

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31914 of 2020

Arising Out of PS. Case No.-183 Year-2018 Thana- CHANPATIA District- West Champaran

SHAKTI KUMAR @ SHAKTI YADAV, Gender-Male, aged about 30 years,
S/o Laddu Yadav, Resident of Village-Jurabganj, Police Station-Kodha,
District-Katihar.

... .. Petitioner

Versus

1. The State of Bihar.
2. The Union of India through Director, Revenue Intelligence, Directorate,
Bihar, Patna. Patna.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr.Sanjay Kumar No 7
For the State	:	Mr. Madhura Nand Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 17-02-2021 Learned counsel for the petitioner is directed to

remove the defects, as pointed out by the office, within a period

of four weeks.

Heard learned counsel for the petitioner and learned
counsels for the opposite parties.

The petitioner seeks bail in a case registered for the
offence under Sections 20, 22, 23, 24, 27 and 29 of the N.D.P.S.
Act.

The prosecution story, in brief, is that on 14.05.2018
at about 9.05 A.M., the informant got an information that some
miscreants are about to pass *Nepal Border* by Motorcycle



alongwith *Charas*. On this information, the informant alongwith other police personnels made barricading and caught hold a Motorcycle alongwith three miscreants, who disclosed their name as Shakti Kumar (petitioner), Kabir Kumar and Sikandar Yadav. On search, from possession of Shakti Kumar @ Shakti Yadav (petitioner), two packets of the *Charas* which was total in weight was 1.900 kgs., and one Mobile was recovered. It is further alleged that one Mobile Phone each was recovered from other co-accused Kabir Kumar and Sikandar Yadav.

Earlier bail application of the petitioner was rejected by this Court vide Cr. Misc. No. 3009 of 2019 under order dated 16.07.2019 taking into account that total 1.900 kgs., *Charas* is said to have been recovered from possession of the petitioner. The same is beyond the commercial quantity. In the light of Section 37 of the N.D.P.S. Act, the petitioner is not entitled for grant of bail.

A report was called for from the court below regarding the present stage of the case. It has been reported that all the prosecution witnesses have been examined and the case is posted for argument.

Considering the nature of accusation and the stage of the case, I am not inclined to grant bail to the petitioner. The



same is rejected in connection with Trial No. 33 of 2018, arising out of Chanpatiya P.S. Case No. 183 of 2018, pending in the court of learned Sessions Judge, West Champaran at Bettiah.

The court below is directed to take all necessary steps to conclude the trial at the earliest.

(Sudhir Singh, J)

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