

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38179 of 2020

Arising Out of PS. Case No.-434 Year-2020 Thana- HAJIPUR District- Vaishali

Sonu Kumar @ Golu @ Chaputa S/o Umesh Singh @ Umesh Prasad Singh
R/o Village - Naurangabad (Dighi Ward No. 14), P.S. - Hajipur Sadar, District
- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar Thakur
For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

8 12-07-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Hajipur Town P.S. Case
No. 434 of 2020, registered for the offence punishable under
Sections 399/402 of the Indian Penal Code and sections
25(1-b)a, 26 and 35 of the Arms Act and sections 20, 22, 23, 24,
27, 27(A) of the NDPS Act.

As per the prosecution case, 500 gms of Charas has
been recovered from possession of the petitioner.

It is submitted on behalf of the petitioner that nothing



has been recovered from possession of this petitioner. Mandatory provision of search and seizure has not been complied with and the alleged recovered quantity of Charas is less than the commercial quantity, as such rigorous of Section 37 of the NDPS Act, would not be attracted. There is no allegation of tampering with the evidence against this petitioner. Petitioner has got criminal antecedent of different nature and he is in custody since 05.07.2020.

Learned APP however, vehemently opposed the prayer for bail.

Considering the nature of allegation and criminal antecedent of the petitioner, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

However, once charge has been framed and trial is commenced, the petitioner shall be released on bail by the learned trial court on its own satisfaction and on the condition that petitioner will cooperate in disposal of trial and appear before the court, as and when required.

(Prabhat Kumar Singh, J)

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