

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6244 of 2021

Arising Out of PS. Case No.-181 Year-2020 Thana- BIDUPUR District- Vaishali

VIKASH KUMAR S/o Amarendra Rai @ Amrendra Kumar Singh Resident
of Vill.- Bhairapur, P.S.- Bidupur, Distt.- Vaishali at Hajipur (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 12-04-2021 Heard Mr. Rakesh Kumar, learned counsel for the

petitioner and Mr. Nawal Kishore Prasad, learned Additional

Public Prosecutor appearing for the State through video

conferencing.

Petitioner seeks regular bail in connection with Bidupur
P.S. Case No. 181 of 2020 registered for the offences punishable
under Section(s) 25(1-B)a, 26, 35 of the Arms Act, Sections 20,
21, 22, 23, 34, 27, 27(A) and 29 of the Narcotic Drug &
Psychotropic Substances Act.

The allegation as per the First Information Report is
that the Police intercepted one Bolero vehicle in which two
persons were found sitting and upon seeing the Police Party,
they started fleeing away. However, they were arrested and they
disclosed their names as Vikash Kumar (petitioner) and Ramesh



Kumar. It has further been alleged that upon search of back seat of the Bolero, 23.465 grams of *Ganja* was recovered and from possession of co-accused Ramesh Kumar, a country made pistol and four live cartridges have been recovered and from exclusive possession of petitioner, a total quantity of 915 grams of *Charas* has been recovered.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case by the Police with oblique motive. Learned counsel next submits that the Bolero in question from where the Ganja has been recovered, does not belong to the petitioner and from possession of the petitioner, only 915 grams of *Chars* has been recovered which is more than small quantity and less than the commercial quantity.

Having regard to the submissions made by the parties and taking into consideration the materials on record, the fact that commercial quantity of *Ganja* has been recovered from the Bolero vehicle in which the petitioner was found sitting along with other co-accused persons and further 915 grams of *Charas* which is nearer to the commercial quantity has been recovered from possession of the petitioner as well as the petitioner has got criminal antecedents, I am not inclined to grant regular bail



to the petitioner.

Accordingly, the prayer for bail of the petitioner
stands rejected.

(Anil Kumar Sinha, J)

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