

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6388 of 2021

Arising Out of PS. Case No.-220 Year-2020 Thana- MINAPUR District- Muzaffarpur

Navneet Kumar Singh, aged about 30 years, Male, Son of Satrugan Singh
Resident of Village - Lautan, P.S.- Minapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar

For the Opposite Party/s : Mr.Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 22-06-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Minapur P.S. Case No. 220 of 2020 (NDPS Case No. 48 of 2020), registered for the offence under Sections 399, 402 of the Indian Penal Code, Sections 25(1-b)a, 26, 35 of the Arms Act and Sections 20, 22 of the N.D.P.S. Act.

As per the prosecution case, this petitioner was apprehended with a country-made pistol, one live cartridge and 400 gms of *Charas* like substance.

It is submitted on behalf of petitioner that nothing has been recovered from the possession of the petitioner and petitioner has been falsely implicated in this case by the police. Mandatory provision with regard to search and seizure has not been followed. The alleged quantity of *Charas* is below



commercial quantity and as such, rigors of Section 37 of the N.D.P.S. Act would not be attracted. There is no allegation of tampering with the evidence against the petitioner and he is in custody since 18.06.2020.

However, learned A.P.P. for the State has opposed the bail petition and submitted that 400 gm. of *Charas* has been recovered from the possession of the petitioner alongwith one country-made pistol & one live cartridge and petitioner has got criminal antecedent also.

Considering the aforesaid facts and circumstances and the fact that there is recovery of *Charas* from possession of petitioner, I am not inclined to grant him bail.

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

With above observation, the bail petition stands disposed of.

(Prabhat Kumar Singh, J.)

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