

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2334 of 2021

Arising Out of PS. Case No.-134 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

Samir Kumar @ Samir Rai Son Of Nawal Kishore Rai Resident Of Village-
Sahpur, P.S.- Minapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 7076 of 2021

Arising Out of PS. Case No.-134 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

Sunil Kumar Son Of Kailash Prasad Yadav @ Kailash Pd. Yadav Resident Of
Village- Shivrahan Basudev, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 2334 of 2021)

For the Petitioner/s : Mr.Sanjay Kumar, Adv.

For the Opposite Party/s : Mr. Rajendra Pd. Nat, APP

(In CRIMINAL MISCELLANEOUS No. 7076 of 2021)

For the Petitioner/s : Mr.Chandra Shekhar Anand, Adv.

For the Opposite Party/s : Mr. H.A. Khan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 25-05-2021 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners seek bail in a case registered for the
offence punishable under Sections 20/22 of the N.D.P.S. Act.

As per FIR while the police was doing a vehicle
checking two persons passing through Jhapaha Mor in a
suspicious manner. They were asked to stop but they speeded up
their speed. With the help of passersby, both the suspected



persons were apprehended who disclosed their name as Sunil Kumar and Samir Kumar (petitioners). From the possession of Sunil Kumar, 500 gms Charas wrapped in a polythene as well as one Vivo mobile was recovered while from the possession of Samir Kumar two packets each of 500 gms charas as well as one mobile were recovered from them. Accordingly, seizure list was prepared.

Learned counsel for the petitioners submits that they are innocent and have been falsely implicated in this case. The petitioners have no concern with the recovered charas. He submits that this is a case of false implication by the police. On 01.02.2020, the SHO, Katra without any warrant of arrest lifted the petitioner and kept under illegal detention. The father of the petitioner filed a misc. petition 10/20 in the court of CJM, Muzaffarpur on 04.02.2020. Learned counsel for the petitioner submits that when the matter regarding illegal detention of the petitioner was brought before the learned CJM, then in an utter haste, the police lodged this false and fabricated case on 05.02.2020 and forwarded into judicial custody. The mandatory provision of Section 50 of NDPS Act has not been complied with. He submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution



witnesses by the petitioners. He further submits that petitioners are languishing in judicial custody since 05.02.2021.

Considering the nature of allegation, I am not inclined to enlarge the petitioners on bail. Accordingly, their payer for bail is rejected in connection with Ahiyapur P.S. Case No. 134 of 2020 pending before the court of the learned Sessions Judge, Muzaffarpur/8th Additional Sessions Judge-cum-Special Judge, NDPS Act, Muzaffarpur.

Accordingly, the application is dismissed. However, petitioners are at liberty to renew their prayer for bail after six months.

(Anjani Kumar Sharan, J)

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