

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7691 of 2021

Arising Out of PS. Case No.-593 Year-2020 Thana- MUFFASIL District- West Champaran

ANIL KUMAR SON OF SRI DINESH MAHTO R/o village- Purbi
Kargahiya, P.S.- Bettiah Muffasil, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 17-09-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State through virtual
court proceeding.

The petitioner seeks bail in connection with Bettiah
Muffasil P.S. Case No.593 of 2020 registered for the offence
punishable under Sections 8, 20, 22, 29 of the Narcotic Drugs
and Psychotropic Substances Act.

The prosecution case in short is that 200 gms of ganja
and 400 grams of charas was recovered from the house of
Dharmendra Rai. Petitioner disclosed that he kept the said
contraband at the instance of one Abhishek Kumar Tiwari
with a view to implicate the landlord Dharmendra Rai.



It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No offence, in the manner as alleged has ever taken place. He has been falsely implicated in this case due to police mechanism and maneuvering. The said contraband was recovered from the side of road adjacent to the eastern wall of the house of Dharmendra Rai and the petitioner chanced to tread the same route and seeing the police activities in his locality, he stopped his jeep and stopped there to watch the police action, quite unknown to the fact that he was landing himself in trouble, as the petitioner refused to stand witnesses to the search, recovery and seizure, therefore, he was made accused in the case. The seized quantity is less than the commercial quantity. The petitioner has no criminal antecedent and has been languishing in custody since 15.09.2020.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case, since the seized '*charas*' being 400 grams is though less than commercial quantity but it is more than small quantity, as such, the above named petitioner is directed to be enlarged on bail, **after framing of charge**, on furnishing bail bond of Rs.



25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, West Champaran at Bettiah, in connection with Bettiah Muffasil P.S. Case No.593 of 2020.

(Anjani Kumar Sharan, J)

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