

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14017 of 2021

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

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NITESH KUMAR @ NITISH KUMAR S/O JAI CHAND RAY R/O
VILLAGE ALIPUR MUKUND, P.S.-MAHUA, DISTRICT-VAISHALI AT
HAJIPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anish Chandra, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 24-08-2021 Heard learned counsel for the parties through video
conferencing.

The petitioner has preferred this application for grant
of regular bail in a case registered under sections 20, 22, 23 and
27A of the N.D.P.S. Act.

As per allegations in the F.I.R., on being confronted
by the police personnel, while one of the accused managed to
escape, the petitioner was caught and 510 gms of charas was
recovered from his possession.

It is submitted by learned counsel for the petitioner
that he has been falsely implicated in the case and no
incriminating article has been recovered from his possession.
Both the witnesses to the seizure list are police personnel. No



independent witness has supported the case against the petitioner. There is non-compliance of the mandatory provisions of the N.D.P.S. Act. The quantity of alleged recovery is below the commercial quantity. The petitioner is in custody since 1.8.2020 and investigation in the case has concluded.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the petitioner being arrested and recovery of 510 gms of charas from his possession, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial court is directed to expedite the trial.

(Partha Sarthy, J)

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