

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9989 of 2021**

Arising Out of PS. Case No.-321 Year-2020 Thana- GAIGHAT District- Muzaffarpur

Prabhash Kumar S/O Sri Musafir Ray Resident Of Village - kalayani, P. S. -
Gaighat, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vaishnavi Singh, Adv.

For the Opposite Party/s : APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 09-06-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State through video
conferencing.

The petitioner has filed the instant application for
grant of regular bail in connection with Gaighat P.S. Case no.
321 of 2020 registered under sections 414 and 34 of the Indian
Penal Code and Sections 20 and 22 of the N.D.P.S. Act.

As per allegation in the FIR, on a secret information
having been received, a raid was conducted. Four accused
persons including the petitioner herein were apprehended at the
spot. It is further stated that 500 grams of *charas* was recovered
from the bag hanging on the handle of one of the motorcycle.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from the person



or possession of the petitioner. He has no concern either with the seized article, any of the motorcycle nor with any of the co-accused persons. The quantity of *charas* allegedly recovered being below the commercial quantity, rigors of section 37 of the N.D.P.S. Act would not be attracted. The petitioner has no criminal antecedent. He is in custody since 7.10.2020 and his case stands on a similar footing to that of co-accused Pintu Kumar and Sudarshan Kumar who have been enlarged on bail in this case by orders which have been brought on record as Annexure- 2 series to the supplementary affidavit.

The application for bail is opposed by learned Additional Public Prosecutor appearing for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the petitioner not having any criminal antecedent and grant of bail to the co-accused, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Gaighat P.S. Case no. 321 of 2020 on furnishing bail bond of Rs. 10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge- cum- Special Judge (N.D.P.S. Act), Muzaffarpur.



Bibhash

(Partha Sarthy, J)

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