

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5151 of 2022

Arising Out of PS. Case No.-656 Year-2021 Thana- AHYAPUR District- Muzaffarpur

PANKAJ KUMAR SON OF NARESH SHARMA RESIDENT OF
MOHALLA - JAGDAMBA NAGAR, WARD NO. 15, KOLHUA
PAIGAMBARPUR, P.S.- AHYAPUR, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-03-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period of
four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
Ahiyapur P.S. Case No. 656 of 2021 instituted for the offences
under Sections 272, 273/34 of the Indian Penal Code, Sections
30(a), 36 of the Bihar Prohibition and Excise Act, 2016 and
Sections 8(c) and 21(b) of the Narcotic Drugs and Psychotropic
Substances Act, 1985.

Learned counsel for the petitioner submits that the
petitioner is in custody since 27.09.2021, is a person with clean
antecedent and charge-sheet has been submitted.

Allegation is of recovery of 40 grams of smack along
with 110.625 litre of liquor from the house of Satya Narayan.



Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case and as far as recovery of smack is concerned i.e. more than small quantity but less than commercial quantity. Learned counsel further submits that even presuming what is alleged is true without admitting then this is the first offence of the petitioner. Learned counsel also submits that in the FIR the police with certainty has not alleged that the alleged recovered substance is smack, rather alleges that it is smack like substance.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner and submits that the alleged recovery of narcotic from the petitioner is more than small quantity.

Considering the fact that smack like substance is alleged to have been recovered from the petitioner, the Court for the present is not inclined to grant bail to the petitioner in connection with the aforesaid case pending in the Court of learned Special Judge, Excise Act, Muzaffarpur.

Accordingly, prayer for bail is rejected.

(Satyavrat Verma, J)

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