

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16702 of 2021**

Arising Out of PS. Case No.-303 Year-2020 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

MD SAHIL Son of Md. Basir Resident of Village - Sadpura Milki Tola, P.S.-
Kazimohammadpur, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate

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

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

9 04-01-2022 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(b)(ii)(B) and 27 of the NDPS Act, 1985.

As per the prosecution case, on search of the house of the petitioner it is stated that 120 gms. of *charas* (smack) and Rs. 73,400/- in cash were recovered.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. No incriminating article has been recovered from his possession. He is living separately from his brother and the alleged recovery is from his brother. He is in custody since 22.11.2020 and chargesheet has been submitted in the case.

The application for bail is opposed by learned A.P.P. for



the State who submits that the recovery of 120 gms. of *charas* is from the house of the petitioner and contrary to the statement made in para no. 3 of the petition, as mentioned in paragraph no. 49 of the case diary, the petitioner is an accused in as many as five other cases.

The instant application was sworn by the father of the petitioner himself. Further inspite of the direction of this Court contained in order dated 18.11.2021 and opportunity having been granted to the petitioner by adjourning the case on 25.11.2021, 6.12.2021, 15.12.2021 and 22.12.2021, no affidavit has been filed explaining the discrepancy in the statement made in paragraph no. 3 of the petition wherein it has been stated that the petitioner has no criminal antecedent.

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the recovery of 120 gms. of *charas* from the house of the petitioner, 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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