

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22353 of 2021

Arising Out of PS. Case No.-213 Year-2016 Thana- RAXAUL District- East Champaran

LAKHAN SAHANI S/o Raj Mangal Sahani Resident of Village- Naya Basti
Katani, Basantpur, P.S.- Santpur, P.O. Gaur, District- Rauthat (Nepal)
... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union Of India

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saroj Kumar Sharma
For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

9 22-02-2022 The matter has been listed under the heading “To Be
Mentioned” at the instance of learned counsel for the petitioner.

A supplementary affidavit, carrying out necessary
correction in the main petition, has been filed on behalf of the
petitioner, which is kept on record.

Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with NDPS
Case No.62 of 2016 arising out of Raxaul P.S.Case No.213 of
2016 registered for the offence under Sections 20,22,23 and 24
of N.D.P.S. Act.

The allegation is regarding recovery of 2 Kg 700 Gms
of Charas.

Learned counsel for the petitioner submits that the



petitioner is innocent. He has falsely been implicated in the present case. Petitioner has got no criminal antecedent. Petitioner is in custody since 26.09.2016.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

The grant of bail in NDPS cases where the recovery of commercial quantity of narcotic is alleged is circumscribed under Narcotic Drugs and Psychotropic Substances Act, 1985 which says that before grant of bail, the Court must have reason to believe that petitioner has not committed the offence and in the event of release he would not commit similar offence.

The issue was considered by the Hon'ble Supreme Court in the case of **State of Kerala and Ors Vs. Rajesh & Ors**, reported in **2020(12) SCC 122**.

The recovery of huge quantity of Charas from possession of the petitioner would not justify that the petitioner had no knowledge of the narcotic nor there is any material to substantiate that the petitioner would not commit such offence in the event of release.

Hence, I am not inclined to enlarge the petitioner on bail in connection with NDPS Case No.62 of 2016 arising out of Raxaul P.S.Case No.213 of 2016 pending in the court of



learned C.J.M.,Motihari, East Champaran. Prayer is refused.

Learned Trial Court is directed to expedite the trial.

(Rajesh Kumar Verma, J)

Nitesh/-

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