

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15152 of 2022

Arising Out of PS. Case No.-102 Year-2021 Thana- SIKTA District- West Champaran

VINOD CHOUDHARY Son of Dhupa Chaudhary Resident of Village -
Haripur, Sikta, P.S. - Sikta, District - West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra
For the Opposite Party/s : Mr.Pramod Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 11-08-2022 Learned counsel for the petitioner is permitted to
remove defect (s), as pointed out by the office, if any, within a
period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned
APP for the State.

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

As per the prosecution case, on secret information,
the informant saw a miscreant riding on a motorcycle coming
from Nepal and the said motorcycle was intercepted by the
police and he disclosed his name as Vinod Chaudhary. On the
disclosure of the petitioner four packets of Charas weighing 2



kgs were recovered under the seat of the said motorcycle.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has clean antecedent as stated at para 3 of the bail petition. Charge-sheet has already been submitted and the case is fixed for evidence. The petitioner is languishing in jail custody since 20.09.2021.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that charas has been recovered from the dickey of the said motorcycle which was being driven by the petitioner. The contraband is commercial quantity and has further submitted that the Hon'ble Supreme Court in the case of *Narcotics Control Bureau v. Mohit Aggarwal* 2022 SCC OnLine SC 891 has held that “*The length of the period of his custody or the fact that the charge-sheet has been filed and the trial has commenced are by themselves not considerations that can be treated as persuasive grounds for granting relief to the respondent under Section 37 of the N.D.P.S. Act.*”

Considering the aforesaid facts and circumstances, as well as recovery of the commercial quantity of Charas from the conscious possession of the petitioner, I am not inclined to



enlarge the petitioner, above named, on bail.

Learned trial Court is directed to expedite the trial and
conclude the same preferably within nine months.

This application is rejected.

(Chandra Prakash Singh, J)

shobhakri/-

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