

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32676 of 2021

Arising Out of PS. Case No.-33 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

=====

SANTOSH SAHANI @ SANTOSH KUMAR SON OF SHIVBALAK
SAHANI Resident of Village - Hathiyahi, P.S.- Pipra Kothi, Distt.- East
Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Adv.

For the Opposite Party/s : Dr. Ajeet Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 17-01-2022 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 419, 420, 467,
468 and 34 of the Indian Penal Code, sections 25(1-B)(a), 26
and 35 of the Arms Act and sections 20, 23 and 25 of the NDPS
Act.

As per the prosecution case, various incriminating
substances were recovered from different accused persons.
From the possession of the petitioner, it is stated that 600 grams
of *charas* was recovered in a plastic packet.

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. The mandatory provision with respect to search and seizure under the NDPS Act have not been followed. The petitioner is in custody since 18.1.2021 and has no criminal antecedent. Chargesheet has been submitted in the case. It is further submitted by learned counsel for the petitioner that there is no report of Forensic Science Laboratory on record to confirm the fact that the substance allegedly recovered from the possession of the petitioner is *charas*.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the allegation of recovery of 600 grams of *charas* from the possession of the petitioner, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

Bibhash

U		T	
---	--	---	--

