

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40236 of 2021

Arising Out of PS. Case No.-477 Year-2020 Thana- GHORASAHAN District- East
Champaran

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Rambabu Ram Son of Mahesh Ram Resident of Village - Pipra, P.S. - Darpa,
Dist. - East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prateek Tandon
For the Opposite Party/s : Mr.Jai Narain Thakur

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 18-01-2022 Heard learned counsel for the petitioner and learned
A.P.P for the State through video conferencing.

The petitioner seeks bail in Ghorasahan P.S. Case No.
477 of 2020 corresponding to NDPS Case No. 71 of 2020,
registered for the offence punishable under Sections 399, 402,
414 of the Indian Penal Code, sections 25(1-b)a, 26 and 35 of
the Arms Act and sections 20, 22 of the NDPS Act.

As per the prosecution case, one loaded country made
pistol along with live cartridge, three packets weighing 1.310
KG of Charas have been recovered from possession of this
petitioner.

It is submitted on behalf of the petitioner that nothing
has been recovered from conscious possession of this petitioner.



Mandatory provision with regard to search and seizure has not been followed. Petitioner is in custody since 09.12.2020 having no criminal antecedent. Chargesheet has already been submitted.

Learned APP however, vehemently opposed the prayer for bail and submitted that more than commercial quantity of Charas has been recovered from possession of this petitioner.

Considering the nature of allegation and quantity of recovery, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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