

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32323 of 2022

Arising Out of PS. Case No.-156 Year-2021 Thana- CHAPRA KACHARI RAIL P.S. District-
Saran

=====

Vishwanath Ram S/o Late Sheopujan Ram R/o village- Karasghat, P.S.-
Mahmmadpur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. A.G, APP

=====

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 29-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

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

Petitioner seeks regular bail in connection with Rail
Chapra Kachahari P.S. Case No. 156 of 2021 registered for the
offences under Sections 20, 22 of the N.D.P.S. Act and Sections
401, 414 of the Indian Penal Code.

As per the allegation, one strip of A.T. Van tablets of 2
mg., a knife, two blades and a mobile phone were recovered
from the possession of this petitioner who was arrested along
with four other co-accused persons from whose possession



several mobile phones were recovered and the petitioner and the co-accused persons are alleged to be members of the Nashakhurani gang.

The main submissions advanced by the learned counsel Mr. Ajay Kumar Tiwary for the petitioner are that against the petitioner there is criminal antecedent of one case in which he is on bail and from his possession only one mobile phone was recovered along with a knife, two blades and A.T. Van tablets of 2 mg. and the said medicine which is used for the purpose of intoxicating comes under the purview of small quantity and at the time of search, the police did not comply with the mandatory provisions of search as per Section 50 of the N.D.P.S. Act and there is no expert's opinion in regard to the alleged seized contraband and the petitioner has been languishing in jail since 31.10.2021.

Learned APP Mr. A.G appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and seizure list attached to the FIR. The petitioner and co-accused persons are alleged to be members of a Nashakhurani gang who were allegedly involved in removing and taking the valuable articles of the passengers and from the possession of this petitioner



some incriminating materials and from possession of co-accused several mobile phones were recovered which raises the presumption that the petitioner and co-accused might have remained involved in the illegal activity of intoxicating the passengers and stealing their valuable articles and moreover against the petitioner there is criminal antecedent of one case lodged under the N.D.P.S. Act. In the opinion of this Court, the petitioner does not deserve to the privilege of bail. Accordingly, his bail prayer stands rejected.

(Shailendra Singh, J.)

sangam/-

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

