

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42133 of 2021**

Arising Out of PS. Case No.-729 Year-2020 Thana- KANTI District- Muzaffarpur

RAHUL KUMAR S/o- Rambali Prasad Kushwaha @ Rambali Prasad
Resident of Village - Motipur Bathana, P.S. - Motipur, District - Muzaffarpur.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Adv

For the Opposite Party/s : Ms. Suman Kumari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 01-02-2022 Heard Mr. Sunil Kumar Pandey, learned counsel for
the petitioner and Ms. Suman Kumari Singh, learned Additional
Public Prosecutor for the State through video conferencing.

Petitioner seeks regular bail in connection with Kanti
PS Case No. 729/2020 registered for the offence punishable
under Sections 20, 22 of NDPS Act as well as Section 25(1-b)a,
26 of the Arms Act.

The police recovered 400 Grams of smack, a country
made pistol and one live cartridge from the possession of
petitioner.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case and he has not
committed any offence in the manner alleged. He further
submits that from perusal of the FIR and seizure list, it would be
evident that *Charas* like material wrapped in plastic has been



recovered from the petitioner. He further submits that charge-sheet has already been submitted against the petitioner but no forensic report has been attached in the charge-sheet.

Having regard to the submissions made by the parties and taking into consideration the recovery of *Charas* along with pistol and one live cartridge from the possession of the petitioner and the *Charas* recovered is more than small quantity and less than commercial quantity, I am not inclined to grant regular bail to the petitioner. Accordingly, the same is, hereby, rejected.

However, petitioner, if so advised, may renew his prayer for bail after six months from today if the trial does not record any substantial progress.

(Anil Kumar Sinha, J)

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