

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34726 of 2022

Arising Out of PS. Case No.-102 Year-2020 Thana- MANIYARI District- Muzaffarpur

Vikash Kumar @ Mahanta Son Of Birendra Kishore Singh @ Tantan Singh
R/O Village- Balra Kishun, P.S.- Maniyari, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Niranjana Parihar, Advocate
For the State : Ms. Asha Devi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 23-11-2022 Heard Mr. Niranjana Parihar, learned counsel for the
petitioner and Ms. Asha Devi, learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Maniyari P.S. Case No. 102 of 2020, N.D.P.S. Case No. 35 of 2020 registered for the offence punishable under Sections 414 of the Indian Penal Code and Sections 8, 20 and 22 of the N.D.P.S. Act pending in the Court of learned Additional Sessions Judge-cum-Special Judge-IV, Muzaffarpur.

The prosecution case in brief is that the petitioner along with his brother were possessed with 850 gms of *Charas* like material. They were apprehended by the police, but the petitioner managed to flee away from the place of occurrence, however his brother disclosed his name that he along with the



petitioner due to hardship faced during the lockdown period were engaged in trade of selling *Charas*.

Learned counsel appearing on behalf of the petitioner submitted that from the very perusal of the F.I.R. it appears that the petitioner was not apprehended on the spot, rather the seizure was made in his absence and the seizure list also contains the signature of his brother, who due to enmity has taken the name of the petitioner that he was also one of his associate. It is further submitted by learned counsel that petitioner is in custody since 12.06.2020 and the quantity which was recovered even taking into consideration is less than commercial quantity.

Learned A.P.P. appearing on behalf of the State opposed the prayer for grant of bail. In this regard she has drawn the attention of the paragraph 2 and 3 of the bail application and paragraph no. 51 of the case diary in which altogether eleven cases were pending and two further cases were lodged against the petitioner as it appears in paragraph-51 of the case diary.

Taking into consideration, the nature of allegation made against the petitioner and criminal antecedent of the petitioner it would not be proper in the interest of society to



release the petitioner on bail.

Accordingly, the bail petition stands rejected.

(Purnendu Singh, J)

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