

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35720 of 2022

Arising Out of PS. Case No.-89 Year-2022 Thana- MINAPUR District- Muzaffarpur

Prakash Kumar Son Of Shivji Bhagat, R/O Village- Sarmaipur Narsanda,
P.S.- Kanti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Niranjana Parihar, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 07-12-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Minapur (Panapur O.P.) P.S. Case No. 89 of 2022 lodged under
Sections 414 and 401/34 of the I.P.C. and Sections 8(c)/20/22 of
N.D.P.S. Act.

As per prosecution case, the recovery of 24 gm and
540 mili gm. of *Smack* has been made, which is the subject
matter of the present case.

Learned counsel for the petitioner submits that the
said amount is more than the small quantity but less than
commercial quantity. He further submits that the commercial

quantity for the smack is 250gm.. He further submits that petitioner is in custody since 26.02.2022 and there is one criminal case pending against the petitioner in which he is on bail. Upon specific query that whether charge has been framed or not, counsel submits that charge has already been framed in this case.

Learned counsel for the State opposes the prayer for bail and submits that from the contents of F.I.R., it transpires that the said business of selling of NDPS used to be made by the petitioner, is a member of gang and he has one criminal antecedent also.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner, therefore, his bail application is hereby rejected but liberty is hereby granted to the petitioner that he may renew his prayer for bail after 9 months from today.

Trial Court is directed to expedite the trial within 9 months.

(Dr. Anshuman, J.)

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