

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38163 of 2022

Arising Out of PS. Case No.-532 Year-2022 Thana- FORBESGANJ District- Araria

Rakesh Kumar Paswan Son of Late Badri Paswan, Resident of Village - Kali Bazar, P.S.- Araria, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Adv.

For the Opposite Party/s : Mr. Nirmala Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 23-09-2022 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with Special Case No.13 of 2022 arising out Forbesganj P.S. Case No. 532 of 2022, lodged under Sections 379, 414, 420/34 of the Indian Penal Code read with Section 21(C) of N.D.P.S. Act.

As per the prosecution case, the petitioner's Alto car was subject to crime in this case and from the seizure list it transpires that total 775 bottle each of 100 ml. codeine syrup was alleged to be recovered from the said car. The petitioner is accused being the owner of Alto car.

Learned counsel for the petitioner submits that

petitioner is innocent and has committed no offence. Learned counsel for the petitioner submits that he has annexed vide Annexure-2 by which, it transpires that the said car was sold to one Satyam Kumar. Learned counsel for the petitioner further submits that even on merit the total recovery of NDPS material from the said syrup shall be only 7.75 gram in the said cough syrup which is less than commercial quantity. He further submits that petitioner is in custody since 22.05.2022, there is one criminal case pending against the petitioner, in which he is on bail.

Learned counsel for the State opposes the prayer for bail and submits that recovery of NDPS material has taken place from the car of petitioner, he is not only owner, rather he is driving the vehicle also as other co-accused persons have disclosed it in the F.I.R. Learned counsel for the State further submits that there is one antecedent of present petitioner and it is of same nature.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner at present, but liberty is hereby granted to the petitioner that he may renew his prayer for bail after framing of charge before Trial Court.

With this observation, the bail application stands
rejected.

(Dr. Anshuman, J.)

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