

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52417 of 2021

Arising Out of PS. Case No.-173 Year-2021 Thana- MOTIHARI TOWN District- East
Champaran

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Vishal Kumar, Son of Indradev Das, Resident of Village - Baratola, P.S. -
Muffasil, District - East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate

For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 31-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with N.D.P.S. Case No. 25 of 2021, arising out of Nagar P.S. Case No.173 of 2021, registered for the alleged offence under Sections 399, 400, 402, 115, 414 of the Indian Penal Code, Section 25 (1-b) a, 26, 35 of the Arms Act and Sections 20 (b) (ii) (C), 23 (C) of N.D.P.S Act.

As per the prosecution case, the police received secret information that 4-5 youths have gathered with a while coloured



Apache motorcycle for making plan to commit some crime. They were surrounded. Three persons tried to run away on foot and two persons tried to escape on the motorcycle. Both the motorcycle riders were apprehended along with one person out of three who were trying to escape on foot. The petitioner is one of the riders of the motorcycle and from his possession, a country made loaded pistol with one live cartridge and from his pocket another live cartridge were recovered. From the motorcycle, 1.200 K.G. of *charas* was recovered which the petitioner and another co-accused Vishal Kumar claimed to have brought from Nepal for selling it locally. It also came to the knowledge of the police that from the mobile number of the co-accused Vishal Kumar, extortion demand of Rs. 10 lacs was made to a medical shop owner.

It has been submitted on behalf of the petitioner that the petitioner is innocent and has been falsely implicated in this case. Nothing has been recovered from his conscious possession. The motorcycle from which alleged seizure of *charas* has been shown does not belong to this petitioner. The petitioner is in custody since 14.03.2021 and the charge sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting



that recovery has been made from the motorcycle which is sated to be stolen. The petitioner and co-accused were found riding the motorcycle and from this motorcycle, commercial quantity of *charas* was recovered. The recovery of arms and ammunition have also been made from this petitioner. The petitioner is accused in other cases as well.

Having regard to the submissions made hereinabove and considering the fact that seized contraband was sent for forensic examination and it was stated to be *charas* and further considering the recovery of commercial quantity of contraband from the motorcycle, the petitioner was found using and also considering the criminal background of the petitioner, I am not inclined to enlarge the petitioner on bail.

Accordingly, his prayer for grant of bail is rejected.

However, the learned trial court is directed to expedite the trial and conclude the same expeditiously preferably within a period of one year.

(Arun Kumar Jha, J)

V.K.Pandey/-

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