

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56147 of 2021

Arising Out of PS. Case No.-326 Year-2020 Thana- BOCHAHAN District- Muzaffarpur

LALAN KUMAR SON OF MR. BANSI LAL SAHANI @ VANSI LAL
SAHANI R/O VILLAGE - SANATHI, P.S. - BOCHAHAN, DISTRICT -
MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate

Ms. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 24-02-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
Bochahan P.S. Case No. 326 of 2020 instituted for the offences
under Sections 20 and 22 of the Narcotic Drugs and
Psychotropic Substances Act, 1985 and Sections 25(1-b)a, 26
and 35 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 04.12.2020, charge-sheet has been
submitted and has antecedent of one case under the Excise Act.

The informant alleges that he got secret information
that petitioner along with four named accused persons are in an



Alto car along with arms, Ganja, Charas etc. Accordingly, the informant reached the place of occurrence and apprehended all the five accused. Further from three named accused persons excluding the petitioner country made loaded pistol were recovered and from the Alto car 10 Kg. Ganja and 1 Kg. Charas like substance was recovered.

Learned counsel for the petitioner submits that from perusal of the allegation it would manifest that as far as recovery of arms is concerned i.e. from co-accused persons and not from the petitioner and as far as recovery of Ganja is concerned i.e. less than commercial quantity and 1 Kg. Charas is alleged to have been recovered which is commercial quantity but the FIR itself records that it is Charas like substance. It is thus submitted that the police themselves were not sure whether the seized article was Charas or it was Charas like substance. Learned counsel further submits that in absence of the FSL report, the charge-sheet came to be submitted.

Learned A.P.P. opposes the bail application and submits that the petitioner is not seeking default bail rather it is regular bail application.

Since the charge-sheet has been submitted presumption for the present is that the alleged seized material



was Charas and the recovery is of commercial quantity, the Court is not inclined to grant bail to the petitioner in connection with the aforesaid case pending in the Court of learned Sessions Judge-V-cum-Special Judge, N.D.P.S., Muzaffarpur.

Accordingly, prayer for bail is rejected.

(Satyavrat Verma, J)

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