

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60657 of 2021

Arising Out of PS. Case No.-268 Year-2020 Thana- AGAMKUAN District- Patna

Niraj Chaudhary, S/o Anil Chaudhary, Resident of Village Kahartoli Chauk
Sikarpur, P.S. - Chauk, Distt. - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sushil Kumar Jha, Advocate

For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 08-08-2022 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 Agamkuan P.S. Case No. 268 of 2020, registered for the alleged offences under Sections 399, 402 of the Indian Penal Code, Sections 25 (1-b)a, 26, 35 of the Arms Act and Sections 8, 20 (b) II (b) of the N.D.P.S. Act

As per the prosecution case, the petitioner and another co-accused person were apprehended on receipt of secret information about assembling of the criminals for committing some offence and from possession of this petitioner, a country



made pistol along with live cartridges and 1.100 K.G. of Ganja were recovered .

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. The search and seizure has not been conducted in accordance with the provisions of NDPS Act and specially Section 50 of the NDPS Act has not been complied with. There has been no chemical examination of the seized contraband to ascertain its nature and moreover, seized quantity will come within the small quantity notified by the Government of India. Learned counsel further submits that apart from cases mentioned in para 3 of the bail petition, he has further filed a supplementary affidavit showing that the petitioner is accused in some other cases as well. The petitioner is in custody since 15.04.2020 and the charge sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the recovery of 1.100 K.G. of Ganja apart from arms and ammunition has been made from this petitioner. He further submits that a large number of cases have been instituted against this petitioner and he is a habitual offender.

Perused the records.

Having regard to the facts and circumstances and



submissions made hereinabove and also considering the recovery of psychotropic substance as well as arms and ammunition apart from the involvement of the petitioner in similar nature of cases, I am not inclined to enlarge the petitioner on bail at this stage.

Accordingly, his prayer for bail is rejected.

However, learned trial court is directed to expedite the trial and conclude the same within nine months.

(Arun Kumar Jha, J)

V.K.Pandey/-

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