

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62506 of 2021**

Arising Out of PS. Case No.-40 Year-2021 Thana- CHHATAUNI District- East Champaran

Prem Kumar Son of Vinod Ram Resident of Village- Kharua Chainpur, P.S. -
Kundwa, Chainpur, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyesh Kumar, Adv.

For the Opposite Party/s : Mr. Anil Kumar Singh No.1, APP.

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER**

4 10-10-2022 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.

The petitioner seeks regular bail in connection with
N.D.P.S. Case No.13 of 2021 arising out of Chhatauni P.S. Case
No. 40 of 2021, lodged under Sections 399, 402, 414 of the
Indian Penal Code read with Section 8/20 (b) (ii) (c) of the
NDPS Act and Section 25(1-b)a, 26, 35 of the Arms Act.

As per allegation made in the F.I.R., there were 6
named accused persons in this case, petitioner is one of them.
The allegation against the petitioner was that he was fleeing by
motorcycle, upon chase the said motorcycle become subject to
accident and arms alongwith N.D.P.S. material were recovered

from the said motorcycle. The total materials recovered was one *desi katta*, one live cartridge and 1.200 Kg. *Charas* from the petitioner.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 07.02.2021 and there is one criminal case pending against him. He further submits that petitioner is ready to fulfill all the conditions, whatsoever shall be imposed upon him.

Learned counsel for the State opposes the prayer for bail and submits that the recovery of arms as well as N.D.P.S. material has took place from the motorcycle on which the petitioner was trying to flee away. He also narrates that the said recovery of *Charas* is more than commercial quantity having 1.200 Kg. of *Charas*.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner and his bail application is hereby rejected.

(Dr. Anshuman, J.)

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