

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64778 of 2021**

Arising Out of PS. Case No.-150 Year-2021 Thana- KARJA District- Muzaffarpur

Rahul Kumar S/O Mr. Kamlesh Thakur @ Kamlesh Kumar Thakur R/o
village- Rasulpur, P.S.- Karja, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Udbhav, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

8 21-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Karja P.S.
Case No. 150 of 2021 registered for the offence under Sections
8/20(b)(ii)(a) of the Narcotic Drugs and Psychotropic
Substances Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 08.07.2021.

The allegation against the petitioner is to have in
possession of alleged contraband i.e. 'Charas', total of 1.262
Kg, which comes exactly 1.2 Kg after deducting weight of
plastic rapper, as per Letter No. 499 of S.S.P., Muzaffarpur,



which made available to this Court today by learned APP, while hearing bail petition, same is taken on record.

Learned counsel appearing on behalf of the petitioner submitted that petitioner has falsely been implicated in this case, due to inimical relations with police personnel of Karja police station. It is submitted that as grandfather of the petitioner lodged a complaint case bearing No. 261 of 2021 before the learned C.J.M. Muzaffarpur, against police personnel of Karja police station and also filed an informatory petition under Section 39 of the Cr.P.C. on 16.06.2021, police officers of Karja police station lodged present false case against this petitioner to counter those allegations. It is further submitted that on same very morning of arrest of petitioner, a miscellaneous case was lodged before learned C.J.M, Muzaffarpur, which has been registered as Miscellaneous Case No. 11 of 2021 by mother of the petitioner, where it is categorically stated that no incriminating material was recovered from possession of the petitioner and it is categorically stated thereof, that petitioner was arrested on 05.07.2021 and was kept in illegal custody for 24 hours, after which present FIR was lodged. It is further submitted that compliance of Sections 42 and 50 of the N.D.P.S. Act was not made in the present case. It is also submitted that as



per FSL report ingredient found as “Tetrahydrocannabinol”, without specifying any percentage and, as such, it can safely gathered that said substance is not ‘Charas’ . While concluding the argument, it is submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, while opposing the prayer of bail submitted that petitioner is habitually offender and engaged in business of illicit liquor, as it is appearing from his criminal antecedents and to create a pressure over local police, false cases were lodged by grandfather and mother of this petitioner. It is further submitted that recovered quantity of contraband i.e. ‘Charas’ is commercial quantity, even after deducting weight of plastic rapper, where Section 37 of N.D.P.S. Act put a barrier. It is also submitted that FSL report clearly shows that said substance is product of Cannabis and covered under definition of Section 2(iii)(a) of N.D.P.S. Act, 1985.

In view of the facts and circumstances as mentioned above, as recovered contraband i.e. ‘Charas’ is of commercial quantity, this Court is not inclined to grant privilege of bail to the petitioner, at present.

Accordingly, the prayer for bail of the petitioner is



rejected herewith..

The trial court is directed to conclude the trial, within a period of 06 (six) months from the date of receipt of this order, by taking this matter on board, on day-to-day basis, if required.

The Senior Superintendent of Police, Muzaffarpur, is directed to produce the charge-sheeted witnesses, as and when directed by the trial court, so as to conclude the trial within specified time period, as directed above.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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