

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65334 of 2021**

Arising Out of PS. Case No.-283 Year-2020 Thana- HATHAURI District- Muzaffarpur

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RAUSHAN THAKUR @ SANJAY THAKUR S/o Late Bhola Thakur R/o
village- Atrar, P.S.- Aurai, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amit Kumar Rakesh

For the Opposite Party/s : Mr.Akhileshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-02-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Hathauri Police Station Case No. 283 of 2020, registered for the
offences punishable under Sections 20/22 of the Narcotic Drugs
and Psychotropic Substances Act, 1985 and Section 25(1-
b)a/26/35 of the Arms Act.

The prosecution case, as per the First Information
Report, is that the police intercepted one motorcycle, which was
being driven by the petitioner and one another person was
sitting as the pillion rider and recovered one kilogram of charas
from the possession of the pillion rider and one loaded country-
made pistol, along with one motorcycle, was recovered from the
possession of this petitioner.



Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case and the procedure prescribed under Section 50 of the Narcotic Drugs and Psychotropic Substances Act, 1985 has not been followed at the time of the recovery of the contraband substance from the possession of the co-accused (pillion rider). He further submits that only one country-made pistol has been recovered from the possession of the petitioner and no contraband substance has been recovered from the conscious possession of the petitioner. He further submits that the petitioner is in custody since 16.12.2020 and charge sheet has already been submitted against him and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions advanced on behalf of the parties concerned and after taking into consideration the materials available on record, It appears that from the pillion rider on the motorcycle, which was being driven by the petitioner, the police recovered the commercial quantity of charas from his possession, accordingly this Court has reason to believe that the petitioner was having full knowledge and control over the contraband substance kept by the pillion rider as such the petitioner is not absolve from the



rigors of Section 37 (1) (b) (ii) of the NDPS Act. The petitioner has got criminal antecedent too. As such, this Court has, prima facie, reason to believe that the petitioner, along with the co-accused (pillion rider), has committed the offence under the provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985. Accordingly, I am not inclined to grant regular bail to the petitioner.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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