

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65797 of 2021

Arising Out of PS. Case No.-452 Year-2020 Thana- MAHUA District- Vaishali

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RAJA KUMAR @ RAJA @ RAJ KISHOR KUMAR Son of Late Shivji Rai
Resident of Village- Belka Lalganj, Police Station- Mahua, District - Vaishali.

... .. Petitioner/s

Versus

1. The Union of India through Superintendent of Police, N.C.B., Patna. Bihar
2. THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Bijay Bhushan Prasad
For the Opposite Party/s :	Mr. Ram Anurag Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-02-2022 Heard learned counsel for the petitioner and the State.

The matter has been taken up through video conferencing.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 413, 414, 467, 468, 471, 420/34 of the IPC and u/s 20/22/23/27(A) of the N.D.P.S. Act.

As per the prosecution case, 1 kg 30 gms of Charas, one laptop and 32 ATM card of different banks have been recovered from the possession co-accused, Laxuman Kumar, who disclosed the name of this petitioner as one of his associates.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the



case. No incriminating article has been recovered from the conscious possession of the petitioner and he is made accused only on the basis of confessional statement of co-accused, which is not admissible in law. It is submitted that mandatory provision with regard to search and seizure has not been followed. Petitioner is in custody since 13.01.2021 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail and submits that huge quantity of Charas has been recovered from the possession of co-accused, Laxuman Kumar, who disclosed the name of the petitioner as one of his associates and petitioner has got criminal antecedent also.

Considering the facts of the case, quantity of recovery and rigours of Section 37 of N.D.P.S. Act, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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