

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70924 of 2021**

Arising Out of PS. Case No.-560 Year-2021 Thana- KANTI District- Muzaffarpur

Monu Kumar Son of Ramdev Mahto Resident of Village- Sain, Neem Chak,
P.S.- Kanti, District- Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 17-05-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Kanti P.S.
Case No. 560 of 2021 registered under Sections 399, 402 of the
Indian Penal Code read with Sections 25(1-B)a, 26, 35 of the
Arms Act and Sections 8(c), 21(b) and 22(c) of the N.D.P.S.
Act.

The learned counsel for the petitioner submits that the
petitioner is in custody since 02.09.2021, is a person with clean
antecedent, charge-sheet has been submitted in the case and
allegation is of recovery of arms and smack from the accused
persons and from the petitioner it is alleged that 50 gm smack
was recovered.

The learned counsel for the petitioner submits that the
petitioner has been falsely implicated in the present case and



nothing was recovered from his possession, even presuming what is alleged to be true without admitting for the purpose of bail then this is the first offence of the petitioner and the alleged recovery is less than commercial quantity.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner and submits that there is allegation of recovery of 50 gm of smack from the petitioner which is more than small quantity.

Considering the submission made by learned A.P.P. for the State, the court, for the present, is not inclined to grant bail to the petitioner.

(Satyavrat Verma, J)

ved/-

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