

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5855 of 2023

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

LAXUMAN KUMAR @ LAKSHMAN KUMAR Son of Suresh Singh
Resident of village - Muradpur, P.S.- Mahua, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-02-2023 The present petition is by way of third attempt at the behest of the petitioner for grant of bail in connection with Mahua P.S. Case No. 452 of 2020 under Sections 413, 414, 467, 468, 471, 420/34 of the Indian Penal Code read with Sections 20, 22, 23, 27(A) of the NDPS Act, inasmuch as the earlier petitions filed by the petitioner for grant of bail have all stood withdrawn.

The case of the prosecution, in brief, according to the informant, is that he along with the police force had found one person standing with a bag on his bike and upon seeing the police vehicle, he had tried to conceal himself, but was



apprehended by the police force, whereupon he disclosed his name as Laxuman Kumar i.e. the petitioner herein and on search of his bike, 1 kg. 30 gram charas, a laptop with charger and 321 ATM cards, apart from a cash sum of Rs. 15,000/- were recovered from his bag.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 13.8.2020. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in one other case, but he is on bail in the said case. The learned counsel for the petitioner has further submitted that the petitioner is a student having good track record, hence, he could not have ever committed the offence, as has been alleged qua him.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the



submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the impugned order dated 8.9.2020, this Court finds that the quantity of charas, seized from the possession of the petitioner, is much more than the commercial quantity defined in the schedule notified under the provisions of the NDPS Act, 1985, hence, considering the stringent provisions contain under Section 37(1)(b) of the NDPS Act, 1985, I am not inclined to grant bail to the petitioner, hence, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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