

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30798 of 2022

Arising Out of PS. Case No.-390 Year-2021 Thana- HARSIDHI District- East Champaran

Niraj Kumar S/o Ajay Kumar Singh R/o village- Kubra, P.S.- Harsidhi,
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan

For the Opposite Party/s : Mr. Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 03-01-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with
N.D.P.S. Case No. 95 of 2021 arising out of Harsidhi P.S.
Case No. 390 of 2021, registered for the offences
punishable under Sections 414 and 34 of the Indian Penal
Code and 25(1-b)a, 26 and 35 of the Arms Act and 8/20 (b)
(ii)(c) of the N.D.P.S Act.

As per allegation, 2.110 Kg of *Charas* were
recovered from the accused persons.

Ld. counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this



case. He further submits that nothing has been recovered from the conscious possession of the petitioner. He also submits that petitioner is neither driver nor owner of the motorcycle.

He further submits that the petitioner has been languishing in jail since 02.01.2021.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has been made accused in two other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

However, the Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, particularly the commercial quantity of the recovered contraband, I am not persuaded to enlarge the petitioner on bail at this stage.

The application stands rejected accordingly.

However if the trial is not concluded within 1 year,



the petitioner has liberty to renew his prayer for bail.

The Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

uttam/-

U		T	
---	--	---	--

