

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31586 of 2022

Arising Out of PS. Case No.-37 Year-2020 Thana- MANPUR District- West Champaran

Bijay Sunar S/o Nar Bahadur Sunar R/o Village- Barma Nagar, P.S.-
Budhanagar, District- Parsa (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 10-01-2023 Heard learned counsel for the petitioner and learned APP for
the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Manpur P.S. Case No. 37 of 2020 registered under Sections 414 and 34 of the Indian Penal Code and Section 8, 20(b)(ii)(B) of N.D.P.S Act.

There is recovery of 3.900 kgs 'charas' from the petitioner. It is alleged that he along with co-accused were caught near the Indo-Nepal border while they were moving on the motorcycle.

Learned counsel for the petitioner submits that petitioner's arrest and recovery are not in accordance with law. The petitioner has now remained in custody since 01.11.2020. The submission is that at



the time of submission of charge-sheet, FSL report had not been submitted and therefore it is prayed that this Court may consider grant of bail to the petitioner. Investigation is also still pending.

Learned APP, on the other hand, submits that recovery from the petitioner is of commercial quantity of contraband. The counsel further refers to the bar on the grant of bail under Section 37 of the N.D.P.S Act.

Considering the rival submissions, the fact of recovery of commercial quantity from the petitioner, and the bar under Section 37 of the N.D.P.S Act, this Court, for the present, is not inclined to allow the prayer for bail. The Same is rejected.

The learned Court below is directed to proceed with the trial expeditiously without any undue delay or unnecessary adjournments.

The application for bail is dismissed.

(Madhuresh Prasad, J)

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