

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32449 of 2022

Arising Out of PS. Case No.-303 Year-2020 Thana- CHIRAIYA District- East Champaran

RANJEET KUMAR S/O KALESHWAR YADAV @ KAULESHWAR
YADAV @ KAULESHWAR RAI R/o village- Inarwa Phulwar, P.S.-
Lakhaura, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Binod Kumar Singh, Advocate
	:	Mr.Satyendra Prasad Singh, Advocate
For the Opposite Party/s	:	Mr.Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 10-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with N.D.P.S. Case No. 64 of 2020 arising out of Chiraiya P.S. Case No. 303 of 2020 for the offences registered under Sections 399, 402, 413 and 414 of the Indian Penal Code, Sections 25(1-b)a, 26 and 35 of the Arms Act and Sections 20 and 22 of the N.D.P.S. Act.

The informant who is the Sub-Inspector of Police, Chiraiya Police Station and also the S.H.O. of the said Police Station, received secret information on 16.11.2020 that some miscreants



were planning to commit dacoity, whereafter the informant along with the police force had reached at the alleged place of occurrence and had apprehended 13 people who were sitting on 11 motorcycles including the petitioner herein and as far as the petitioner is concerned, upon search, one motorcycle and 1866 grams i.e. 1.866 kg. of Charas was recovered.

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 17.11.2020. It is further submitted that the petitioner has been implicated in the present case only because of his bad antecedent inasmuch as he is an accused in 9 other cases.

Per contra, the learned A.P.P. 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, this Court finds that the quantity of Charas recovered from the petitioner is much more than the commercial quantity as defined in the Schedule notified under the provisions of the N.D.P.S. Act, 1985 i.e. 1 kg, hence considering the stringent provisions contained under Section 37(1)(b) of the N.D.P.S. Act, 1985, I am not inclined to grant bail to the petitioner herein, hence the present petition stands dismissed.

(Mohit Kumar Shah, J)

S.Sb/Saurav

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

