

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39757 of 2023

Arising Out of PS. Case No.-456 Year-2022 Thana- RAXAUL District- East Champaran

VIJAY KUMAR VIMAL @ VIJAY KUMAR BHIMAL Son of Dewnarayan
Yadav Resident of village - Tilathi, P.S. - Saptari, Distt. - Raxaul, Nepal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Neerad Parashar

For the Opposite Party/s : Mr.Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 08-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Raxaul P.S. Case No. 456 of 2022 instituted for the offence under Sections 20(b)(i)(c), 23(c) & 25 of the N.D.P.S. Act.

3. As per F.I.R., prosecution case relates to recovery of Charas like contraband substance i.e. 3.1 kg from possession of the petitioner who was apprehended on spot while trying to escape after seeing the police party.

4. Learned counsel for the petitioner submits that the petitioner is innocent and committed no offence. He has falsely been implicated in this case. The petitioner has no concern with the alleged recovery of *charas* like contraband substance. It is further submitted that the provision of N.D.P.S. Act has not been



followed properly. Moreover, the petitioner is languishing in judicial custody since 29.9.2022.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the petitioner was apprehended on spot from whose possession, *charas* like narcotic substance was recovered which is said to be 3.1 kg and the same comes within purview of commercial quantity. As per F.S.L. report, Charas is detected containing T.H.C. as their chief intoxicating ingredient which is commonly known as Hasish. It is also submitted that witnesses of this case have also supported the prosecution.

6. Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

7. The trial Court is directed to expedite the trial and conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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