

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42546 of 2023

Arising Out of PS. Case No.-67 Year-2023 Thana- KUNDWACHAINPUR District- East
Champaran

-
1. SURAJ SAH
2. Lal Babu Sah
Both son of Late Ameri Sah resident of Village- Jogaha Ward no.-1, P.S.-
Jainagar Dist- Gaur (Nepal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 13-12-2023

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of regular bail in connection with Kundwa Chainpur P.S. Case no.67 of 2023 registered under sections 20(b)(ii)(b) and 23(b) of the N.D.P.S. Act.

3. As per the prosecution case, on the two petitioners who were on a bicycle being stopped and searched, it is stated that a sachet was recovered from the possession of petitioner no.1 and from a bag on the bicycle, 990 grams of Charas was recovered.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the case. No



incriminating article has been recovered as alleged in the F.I.R. Even accepting the allegations in the F.I.R., the weight of the substance in the sachet has not been given. No incriminating article has been recovered from the petitioner's possession and the alleged quantity recovered is below the commercial quantity. There is no independent witness to the seizure besides the petitioner no.1 is also handicapped. The petitioners have no criminal antecedent and are in custody since 17.4.2023.

5. Heard learned A.P.P. for the State.

6. As per the FSL report received, the substance recovered was found to be Charas, also known as Hashish.

7. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R., recovery of 990 grams of Charas from the vehicle on which both the petitioners were present besides the sachet having been recovered from the possession of the petitioner no.1, the Court is not inclined to enlarge the petitioners on bail and the application is rejected.

(Partha Sarthy, J)

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