

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42945 of 2023

Arising Out of PS. Case No.-129 Year-2023 Thana- CHAKIA District- East Champaran

Ravi Kumar S/o Ramekbal Sah @ Rampukar Sah R/o Village- Ahiyapur, Ps.
Sahebganj, Dist. Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar

For the Opposite Party/s : Mr. Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 06-09-2023 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The petitioner seeks bail in connection with Chakia P.S. Case No.129 of 2023, registered for the offences punishable under Sections 08, 20 (b) (ii) (c), 22 and 24 of the N.D.P.S. Act, 1985 and Section 25 (1-B) (a), 26 and 35 of the Arms Act.

3. As per allegation, 1 kg 39 grams of contraband (charas) has been recovered beneath the seat of a motor-cycle. Moreover, A country made pistol, two live cartridges and three mobile phones were also recovered from the co-accused.

4. Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that recovery of contraband is not from the personal possession of the petitioner. He further submits that



the petitioner was just a pillion rider from which the alleged contraband (Charas), quantifying 1 kg 28 gm, was recovered and as such alleged recovery is not made from the conscious possession of the petitioner and the said motor-cycle also does not belong to him. He also submits that recovery was not made as per Section 50 of the NDPS Act.

5. He further submits that the petitioner has been languishing in jail since 11.04.2023.

6. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

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

8. However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail submitting that the quantity of recovered contraband is 1 kg. 28 gm, which is a commercial quantity.

9. Considering the commercial quantity of recovered contraband, I am not persuaded to enlarge the petitioner on bail.

10. The petition is dismissed accordingly.

11. 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)

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