

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46844 of 2023

Arising Out of PS. Case No.-83 Year-2023 Thana- BELSAND District- Sitamarhi

RAHUL KUMAR @ MUNU SHRIVASTAVA @ MUNNA SRIVASTAVA @
MUNNU SRIVASTAVA, Male, aged about 25 years, S/O MUNINDRA
KUMAR @ SHOBHA PRASAD, R/O VILLAGE- PANDRAHI, PS.
BELSAND, DIST. SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : M/s Ajay Kumar Verma
Madhubala Verma, Advocates
For the Opposite Party/s : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 31-07-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Belsand P.S. Case No. 83 of 2023 dated 02.06.2023 registered
for the offence(s) punishable under Section(s) 414 of the Indian
Penal Code and Sections 8(C), 20(b)(ii)(B)/29 of N.D.P.S. Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that the instant matter relates to
recovery of 1.5 kg. of *Ganja* like material from a motorcycle,
as per prosecution this petitioner and co-accused Vikash
Mishra were apprehended at the spot with the motorcycle and
the alleged contraband but the recovery was not made from



conscious possession of this petitioner, though against the petitioner there are criminal antecedents of eleven cases but out of the said cases the petitioner has been acquitted in five cases and in four cases the police submitted the final form as non-cognizable and in rest two cases, he is on bail and alleged seized contraband is slightly more than the small quantity and against him, the investigation has been completed. Further submission is that all the cases of petitioner's antecedents were lodged under the offences of IPC and other offences of Special Acts but any of them did not belong to N.D.P.S Act.

4. Learned APP appearing for the State has opposed the bail prayer and submitted that against the petitioner there are criminal antecedents of several cases and the instant matter relates to recovery of intermediate quantity of narcotic material and petitioner and co-accused person were apprehended with the alleged contraband.

5. Considering the facts and circumstances of this case as well as above submissions and mainly the quantity of the alleged contraband, which is stated to have been recovered from a motorcycle, which is slightly more than the small quantity, the petitioner has not remained involved in the offences of NDPS Act prior to institution of FIR of the present



matter and against him, the investigation has been completed, in my opinion, in the present circumstances, the petitioner deserves to the privilege of bail. Accordingly, let the petitioner named-above be enlarged on bail **after framing of charge, if the same has not been framed** in connection with Belsand P.S. Case No. 83 of 2023 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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