

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44990 of 2022**

Arising Out of PS. Case No.-27 Year-2021 Thana- EAST CHAMPARAN GRP CASE
District- East Champaran

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SUBHASH RAI @ SUBHASH RAY Son of Late Lalbabu Rai @ Lalbabu Ray Resident of Village - Siswa, Ward No. 2, Police Station - Raxaul, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Karandeep Kumar

For the Opposite Party/s : Mr. Rajendra Nath Jha

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 03-01-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with NDPS

P.S. Case No. 112 of 2021 arising out of Rail Raxaul P.S.

Case No. 27 of 2021, registered for the offences punishable

under Sections 8, 20(b)(ii)(c) and 22 of the NDPS Act.

As per allegation, three packets *Charas*, weighing

P1-525 gm, P2-260 gm and P3-260 gm respectively and

one mobile has been recovered from the possession of the

petitioner.

The learned counsel for the petitioner submits that



the petitioner is innocent and has falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioner. He also submits that search and seizure has not been made as per the rules as provided under the N.D.P.S. Act. He further submits that investigation in this case is complete and charge-sheet has already been submitted.

He also submits that the petitioner has been languishing in jail since 22.11.2021.

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

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

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail submitting that total 1045 kg contraband has been recovered from the accused-petitioner which is much more than the commercial quantity and as such rigors of Section 37 NDPS Act applies in this case.



Considering the facts and circumstances, particularly the quantity of recovered contraband, I am not persuaded to enlarge the petitioner on bail at this stage.

The application for bail stands rejected accordingly.

The learned 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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