

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45756 of 2022

Arising Out of PS. Case No.-634 Year-2021 Thana- SAKRA District- Muzaffarpur

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Bishnudev Paswan @ Vishnudeo Paswan Son Of Late Ganga Paswan R/O Village-
Rajapur, P.S.- Sakra, District- Muzaffarpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 14-03-2023 Heard learned counsel for the petitioner and the learned APP
for the State.

Petitioner seeks regular bail in connection with Sakra P.S.
Case No. 634 of 2021(NDPS Case No. 23 of 2022) registered for the
offences punishable under Sections 399, 402 and 34 of the Indian
Penal Code and Sections 25(1-b)a, 26 and 35 of Arms Act and
Sections 8, 20 and 22 of NDPS Act.

As per the prosecution, the police personnel on secret
information apprehended this petitioner alongwith co-accused
persons and upon search, from the possession of this petitioner one
kilogram of narcotic material suspected to be ‘charas’ and a mobile
phone were recovered.

The main submissions advanced by learned counsel for
petitioner are that in fact the petitioner and two other co-accused
persons were arrested in connection with Sakra P.S. Case No. 632 of
2021 on 29.12.2021 and thereafter from that case the petitioner and

two co-accused persons were remanded in the present matter and regarding the said arrest a news was also published in a newspaper, of which a copy has been filed vide Annexure-2 and one co-accused namely, Rahul Kumar has been granted bail by a co-ordinate bench of this Court vide order passed in Cr. Misc. No. 25590 of 2022. Further submission is that the petitioner has one criminal antecedent bearing Sakra P.S. Case No. 632 of 2021 in which he was actually arrested just two days before the alleged recovery of the contraband and thereafter he was falsely shown having been arrested in the present matter with the alleged contraband and the petitioner has been languishing in jail since 01.01.2022.

Learned APP for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the case diary. The instant matter relates to the recovery of fire arms and narcotic material believed to be '*charas*' and from the possession of this petitioner one kilogram of '*charas*' was allegedly recovered and the same comes under the commercial quantity, hence, in my opinion, it is not a fit case for bail to the petitioner. Accordingly, his bail prayer stands rejected.

(Shailendra Singh, J)

Shahnawaz/-

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