

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47055 of 2022

Arising Out of PS. Case No.-644 Year-2021 Thana- MOTIHARI TOWN District- East
Champaran

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ABHAY KUMAR S/o Bhure Yadav Resident of Village- Rautara, P.S.-
Rautara, District- Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rana Vikram Singh

For the Opposite Party/s : Mr. Ram Sevak Choudhary

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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

Case No. 106 of 2021 arising out of Motihari Town P.S.

Case No. 644 of 2021, registered for the offences

punishable under Sections 399, 400, 402, 115, 414, 467,

468, 471, 120B and 34 of the Indian Penal Code, Sections

25(1-b)a, 26 and 35 of the Arms Act and Section

20(b)/ii(c)/23(c) of the Narcotic Drugs and Psychotropic

Substances Act.

As per allegation, about 1.1 kg *charas* has been



recovered from 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 the recovery has not been made from the conscious possession of the petitioner. He also submits that that search and seizure has not been made as per the rules as provided under the N.D.P.S. Act. He also submits that investigation in this case is complete and charge-sheet has already been submitted. He further submits that there is no scope of the conclusion of the trial in near future. He further submits that even till date FSL report has not been received and at this stage it is difficult to say that alleged contraband is real or not.

He also submits that the petitioner has been languishing in jail since 28.10.2021

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in two other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has never moved 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.

Considering the aforesaid facts and circumstances, particularly the quantity of the alleged contraband which is much more than commercial quantity, I am not persuaded to enlarge the petitioner on bail at this stage.

The application stands rejected accordingly.

However, Ld. Trial Court is directed to expedite the trial. In case, the trial is not concluded within a period of one year, the petitioner is at liberty to renew his prayer for bail.

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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