

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49734 of 2023

Arising Out of PS. Case No.-303 Year-2020 Thana- CHIRAIYA District- East Champaran

RANJIT KUMAR Son of Kauleshwar Rai @ Kauleshwar Yadav Resident of
village - Enerwa Fulwar, P.s. - Lakhaura, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-08-2023 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The present petition is by way of second attempt at the behest of the petitioner for grant of regular bail in connection with NDPS Case No.64 of 2020, arising out of Chiraiya P.S. Case No.303 of 2020, registered for the offences under Sections 399, 402, 413 and 414 of the Indian Penal Code and under Sections 25(1-b)a, 26 and 35 of the Arms Act and under Sections 20 and 22 of the NDPS Act, inasmuch as the earlier prayer of the petitioner for grant of regular bail was rejected by this Court by an order dated 10.01.2023, passed in Cr.Misc. No.32449 of 2022.

The informant who is the Sub-Inspector of Police, Chiraiya Police Station and also the S.H.O. of the said Police



Station, received secret information on 16.11.2020 that some miscreants were planning to commit dacoity, whereafter the informant along with the police force had reached at the alleged place of occurrence and had apprehended 13 people who were sitting on 11 motorcycles including the petitioner herein and as far as the petitioner is concerned, upon search, one motorcycle and 1866 grams i.e. 1.866 kg. of Charas was recovered.

The learned counsel for the petitioner has submitted that the petitioner is languishing in custody since 17.11.2020 and there is no possibility of completion of the trial in near future, hence the petitioner should be granted the privilege of bail.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the quantity of Charas, recovered from the petitioner is much more than the commercial quantity as defined in the schedule notified under the provision of the NDPS Act, 1985, i.e. 1 kg, apart from taking into account the stringent provisions contained under



Section 37(1)(b) of the NDPS Act, 1985, and also considering the fact that there is no change in circumstance so as to warrant reconsideration of the prayer of the petitioner for grant of bail, I do not find any merit in the present petition, hence the present petition stands dismissed.

(Mohit Kumar Shah, J)

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