

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54785 of 2022

Arising Out of PS. Case No.-373 Year-2022 Thana- BARACHATTI District- Gaya

VINESH KUMAR Son of Mani Sao @ Mani Prasad Keshri Resident of
Village - Naktaya (Bangarua), P.S.- Barachatti, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Union of India. New Delhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kamal Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Vinod Shanker Modi, A.P.P.
For the UOI	:	Mr. Anshuman Singh, C.G.C.
		Mr. Ranjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-05-2023 Heard learned counsel for the petitioner, learned
counsel for the Union of India and learned Additional Public
Prosecutor for the State.

Petitioner seeks bail, who is in custody since
07.05.2022 in connection with Barachatti P.S. Case No. 373 of
2022, F.I.R. dated 05.05.2022 for the offences punishable under
Section 18, 20, 22 of the N.D.P.S. Act.

Recovery is of total 02 Kg. Opium (Afim), cash of Rs.
43,000/- and two mobile sets from the dicky of the motorcycle.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that it appears from the F.I.R.



as well as seizure list that 02 Kg. Opium (Afim), cash of Rs. 43,000/- and two mobile sets from the dickey of the motorcycle was recovered from the dickey of the motorcycle in question. He further submits that the recovered contraband is less than the commercial, the small quantity of Afim is 25 grams and commercial quantity of Afim is 2.500 Kg. He further submits that petitioner has no concern at all with the alleged recovery of illicit contraband and the motorcycle is belong to the co-accused namely, Rajesh Kumar.

Learned counsel for the UOI and learned A.P.P. have vehemently opposed the prayer for bail of the petitioner and submits that the recovered contraband is more than the small quantity and the F.S.L. report also confirms that the recovered contraband is Afim, which is quoted herein below :-

“ Result of Examination

Morphine, Codeine, Thebaine and Papaverine were detected in blackish brown colour sticky substances kept in two plastic dibba marked (1) and (2) as described above. Morphine, Codeine, Thebaine and Papaverine are opium alkaloid derived from poppy plant (Papaver Somniferum). Morphine, Codeine and Thebain are narcotic drug and highly addictive in nature”



The recovery of 02 Kg. Opium (Afim) from possession of the petitioner would not justify that the petitioner had no knowledge of the narcotic nor there is any material to substantiate that the petitioner would not commit such offence in the event of release.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Barachatti P.S. Case No. 373 of 2022 pending in the court of learned Sessions-cum-Special Judge (N.D.P.S. Act), Gaya.

Prayer is refused.

(Rajesh Kumar Verma, J)

mdrashid/-

U		T	
---	--	---	--

