

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57853 of 2022

Arising Out of PS. Case No.-318 Year-2021 Thana- LAURIA District- West Champaran

SHYAM SUNDAR SHARMA @ SHYAM SUNDAR THAKUR Son of Late
Banka Thakur R/V- Laguniya, P.S- Paharpur, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh,Adv.
For the Opposite Party/s : Mr.Dashrath Mehta,APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-02-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Trial No.27 of 2022, arising out of Lauriya P.S. Case No.318 of 2021, registered for the offences punishable under Sections 25(1-b)A, 26 and 35 of the Arms Act and Sections 20, 22, 23, 24, 25, 27 (a), 29 of the N.D.P.S. Act.

The informant along with his police force had reached at the alleged place of occurrence on 17.12.2021, at about 7:30 p.m., and then had apprehended the petitioner and one another co-accused person, namely, Bhola Mahto. It is also



alleged that upon search, one kg *Charas*, one country made pistol and one bullet was recovered from the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 18.12.2021. The learned counsel for the petitioner has submitted that only because the petitioner is an accused in eleven other cases, he has been falsely implicated in the present case.

Per contra, the learned APP 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, this Court finds that not only the quantity of *Charas* seized from the petitioner is equal to the commercial quantity as defined in the schedule notified under the provisions of the N.D.P.S. Act, 1985, i.e, 1 Kg, but the petitioner appears



to be a veteran criminal, inasmuch as he is an accused in eleven other cases, hence, I am not inclined to grant bail to the petitioner herein, thus, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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