

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71160 of 2022

Arising Out of PS. Case No.-369 Year-2021 Thana- BAJPATI District- Sitamarhi

Md. Kamal Ansari S/O Late Muslim Ansari R/O Village- Pathanpura, P.S-
Sursand, District- Sitamarhi

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 04-05-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has filed the instant application

for grant of regular bail in a case registered for the

offences punishable under Sections 399, 402, 413, 414

of the Indian Penal Code and Section 25(1-b)a, 26, 35

of Arms Act and Section 8/20(b)(ii)(C)/22 of N.D.P.S.

Act.

As per allegation in the FIR, 1 Kg Charas like

substance and mobile have been recovered from the



possession of the petitioner.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The provisions of N.D.P.S. has not been followed. Moreover, the petitioner is in judicial custody since 28.12.2021.

Learned APP appearing on behalf of the State vehemently opposed the prayer of the petitioner and submitted that 1 kg charas like contraband substance which has been recovered from the possession of the petitioner comes within the purview of commercial quantity as per N.D.P.S. Act. The petitioner was apprehended on spot. Petitioner is a habitual offender as 10 criminal cases are pending against him.

Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.



Learned trial court is directed to expedite the trial and conclude the same as early as possible.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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