

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73820 of 2022

Arising Out of PS. Case No.-182 Year-2022 Thana- BIRPUR District- Supaul

MANOHAR KUMAR YADAV Son of Mahesh Prasad Yadav R/o puraini
Ward No. 14, P.S.- Birpur, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Mr.Dr. Indihar Kumari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 11-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case instituted for
the offence under Sections 8/20(B)(ii)(c)/ 21(c) and 29 of the
N.D.P.S. Act and Section 25 (1-b)a/26 and 35 of the Arms Act.

As per prosecution case, one Auto which bearing no.
was BR-38E2144, on search of Auto, there has been recovery of
28 Kgs Ganja like substance from the roof of Auto, one
motorcycle, one loaded pistol along with 6 live cartridges and one
mobile from the petitioner.

It is submitted by learned counsel for the petitioner that
petitioner has been falsely implicated in this case. He submitted
that the petitioner has been made accused in the present case at the
instant of his co-villager namely Niranjana Yadav, who is posted at
SSB, Birpur. He further submitted that the seized Auto does not
belong to the petitioner so the provision and guideline with regard



to NDPS act has not been followed in this case. Petitioner is languishing in judicial custody since 16.06.2022.

Learned APP for the State has opposed the application for bail and submitted that from the perusal of the para-2 of the case diary it appears that one country-made loaded pistol and 28 Kgs Ganja like substance recovered from the possession of the petitioner. He submitted that the Ganja recovered from Auto come within the purview of commercial quantity, which was driven by the petitioner at the relevant time and also keeping in view that petitioner was caught red handed with illegal arm and ammunition from the place of occurrence. He further submitted that the petitioner did not explain with regard to the possession of the seized Auto.

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.

The trial Court is directed to conclude the trial expeditiously.

(Sunil Kumar Panwar, J)

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