

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32474 of 2024

Arising Out of PS. Case No.-151 Year-2023 Thana- MAJORGANJ District- Sitamarhi

Kanhai Singh @ Arvind Singh @ Arvind Kumar Singh Son of Late Kailash Singh @ Late Bam Singh Resident of Village - Kuari Madan, P.S.- Mejaroganj, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ayush Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 01-05-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Majorganj PS Case No. 151 of 2023 instituted for the offences under Sections 8, 20(ii)(c), 22(c) & 23(c) of the NDPS Act.

3. Prosecution allegation, in short, is that there is recovery of 2 kg ‘charas’ was recovered from the house of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The petitioner is in custody since 03-07-2023 and has got ten criminal antecedent. Charge-sheet has been submitted in this case. There is no allegation of tampering of



witnesses alleged against the petitioner. Learned counsel further submits that charge sheet is submitted without FSL report.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned A.P.P. submits that recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the N.D.P.S. Act.

6. Considering the aforesaid facts and circumstances of the case and recovery of contraband beyond commercial quantity coupled with embargo under Section 37 of the N.D.P.S. Act, this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected.

8. The Trial Court is direct to expedite the trial as expeditiously as possible, without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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