

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62521 of 2023

Arising Out of PS. Case No.-144 Year-2023 Thana- CHAKIA District- East Champaran

Pradeep Kushwaha @ Prabhat Kumar Son Of Harishchandra Prasad R/O Vill
- Dihu Tola, P.S. - Madhuban, Distt. - East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

7 26-07-2024 Heard learned counsel for the petitioner and

learned A.P.P appearing on behalf of the State.

The petitioner is languishing in custody in a case registered for the offences punishable under Sections 25(1-B) a, 26, 35 of the Arms Act and Sections 20(B)(ii)(c), 22, 24 of the N.D.P.S. Act.

There is recovery of 1.5 Kgs of *Charas* from the possession of the petitioner.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The police has arrested the petitioner from his house on mere suspicion at the



instance of mobile loot but no any evidence has been found against this petitioner and thereafter the police demanded money from the family members of the petitioner and on refusal, the police has falsely roped this petitioner in the present case. The petitioner is languishing in custody since 20.04.2023. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

In contra, learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner and submitted that from the possession of the petitioner 1.5 Kgs of *Charas* was recovered which comes within the purview of commercial quantity. The F.S.L report also suggests that recovered contraband is *Charas*.

Considering the recovery of 1.5 Kgs of *Charas* which comes within the purview of commercial quantity, this Court is not inclined to grant bail to the petitioner. The prayer for grant of bail to the petitioner stands



rejected.

The Trial Court is directed to expedite the trial and conclude the same at the earliest, preferably within a period of nine months from today.

The petitioner will be at liberty to renew his prayer for bail, if the trial is not concluded within a period of nine months.

(Sunil Kumar Panwar, J)

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