

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71730 of 2023

Arising Out of PS. Case No.-736 Year-2022 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

=====

Himanshu @ Himanshu Shekhar @ Ayushman Singh @ Mannu @ Ayshman
Singh S/O Arvind Kumar Singh R/O Village- Patni, P.S- Ramgadhwa, Distt.-
Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Kr. Thakur, Adv.

Ms. Vaishnavi Singh, Adv.

For the Opposite Party/s : Ms. Nirmala Kumari, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 12-03-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with

Sadar P.S. Case No. 736 of 2022 instituted for the offences

under Sections 8, 20(b)(ii)(c) of the Narcotic Drugs and

Psychotropic Substance Act and Section 25(1-b)a, 26, 35 of

the Arms Act.

3. As per prosecution case, the police has recovered

a loaded country-made pistol as well as 1.18 kilogram of

Charas from the conscious possession of the petitioner.

4. Learned counsel for the petitioner submits that



the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He further submits that the search, seizure and sampling have not been followed in the present case. He further submits that the charge-sheet has been submitted without there being any F.S.L. report. The petitioner has altogether 12 criminal antecedents as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 18.11.2022.

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

6. Having heard rival contention of both the parties and considering the aforesaid facts and circumstances of the case as also 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. Accordingly, the prayer for bail of the petitioner,
above named, is rejected with a direction to the court below
to expedite the trial and concluded the same expeditiously.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

