

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70656 of 2024

Arising Out of PS. Case No.-95 Year-2023 Thana- SRINAGAR District- West Champaran

Kalyan Kumar Patel @ Kalyan Kumar Son of Pardeep Prasad Patel @
Pradeep Patel resident of Village- Dumariya, Ps- Bairya, Dist- West
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Atul Prakash, Advocate Mr. Udbhav, Advocate Mr. Akshay Ashish, Advocate
For the Opposite Party/s :		Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 22-11-2024

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Srinagar P.S Case no.95 of 2023 registered under section 22(B)(II)(b) of the NDPS Act.

3. As per the prosecution case, 240 grams of *charas* like substance was recovered from the vehicle in which the petitioner was also present.

4. Learned counsel for the petitioner submits that the earlier application for bail of the petitioner was rejected vide order dated 9.4.2024 (Annexure-1) passed in Cr. Misc. no.1966 of 2024. The petitioner has been falsely implicated in the case. No incriminating article has been recovered from his possession nor does he have any concern with the vehicle in question from



which the alleged seizure was made. Accepting the allegations for the sake of argument, the quantity of substance recovered is less than the commercial quantity. The petitioner is in custody sine 29.7.2023 and undertakes to cooperate in the trial.

5. The prayer for bail is opposed by learned A.P.P for the State.

6. A report was called for from the learned trial Court. As per the report received contained in letter dated 13.11.2024, three out of seven chargesheet witnesses have been examined in course of trial on behalf of the prosecution.

7. Having heard learned counsel for the parties and taking into consideration the allegation of recovery of 240 grams of *charas*, the petitioner having been arrested on the spot, the contents of the articles seized having been confirmed as *charas* in the FSL report and the progress in the trial in the learned trial Court wherein three out of seven chargesheet witnesses have been examined on behalf of the prosecution, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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