

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79315 of 2023

Arising Out of PS. Case No.-811 Year-2023 Thana- BARACHATTI District- Gaya

MITHUN KUMAR SON OF SITARAM YADAV R/O VILLAGE-
BARWADIH, P.S.- BARACHATTI, DISTRICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kr. Sinha

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 09-02-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner has prayed for bail in connection with Barachatti P.S. Case No. 811 of 2023 instituted for the offence under Sections 18, 20, 22 of the N.D.P.S. Act.

3. As per prosecution case, the petitioner is alleged to have been apprehended with a motorcycle bearing registration no. BR02AT-7717 from where, 5.2 kg opium like contraband substance was recovered. The petitioner also disclosed the name of the other co-accused persons as his associate.

4. Learned counsel for the petitioner submits that the petitioner is innocent and committed no offence. He has falsely been implicated in this case. The petitioner has no concern with the alleged seized motorcycles or with the recovery of *opium*



like contraband substance. It is further submitted that the provision of N.D.P.S. Act has not been followed properly. Moreover, the petitioner has got no criminal antecedent as stated in para-3 of the bail petition and he is languishing in judicial custody since 25.8.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the petitioner was apprehended on spot with a motorcycle from where, *opium* like narcotic substance was recovered which is said to be 5.2 kg and the same comes within purview of commercial quantity. It is also submitted that the witnesses of this case have also supported the prosecution.

6. Having heard the learned counsel for the parties and considering the seized recovery of opium is huge in quantity and more than commercial quantity, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

7. The trial Court is directed to expedite the trial and conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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