

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74455 of 2024

Arising Out of PS. Case No.-442 Year-2023 Thana- KANTI District- Muzaffarpur

Bharat Pandit S/o- Visheshwar Pandit Village - Atrat @ Atrar, P.S. - Aurai,
Dist. - Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through the Ministry of Home Affairs, New Delhi New Delhi

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 19-03-2025 Heard Learned Counsel for the petitioner and
Learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with NDPS Case No. 122 of 2023 arising out of Kanti P.S. Case No. 442 of 2023, lodged on 13.06.2023, under Sections 489(A), 489(B), 489(C), 489(D), 489(E) & 412 of the Indian Penal Code and 25(1-b)a, 26 & 35 of the Arms Act and 8, 20(B), 11(C), 22 & 24 of the NDPS Act.

3. As per the prosecution, 1 kg of a substance resembling *charas*, which is the subject matter of the present case, has been recovered, along with Rs. 3,00,890/-. Additionally, 95 counterfeit currency notes of Rs. 100 have also



been recovered from the petitioner's possession.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that criminal antecedents of the petitioner is not clean, there are four criminal cases pending against the petitioner and he is on bail in all the cases. Counsel also argues that the petitioner has been arrested, but it has not been conclusively determined whether the recovered material is *charas*.

5. Learned Counsel for the State opposes the prayer for bail and submits that the case diary and forensic science laboratory report regarding both the counterfeit currency and the *charas*-like material have been obtained. The State also points out that the petitioner is accused in four other cases and that the forensic science laboratory report confirms that the 1 kg of material is *charas*.

6. It transpires to this Court that the quantity recovered falls under the category of "commercial quantity," and under Section 37(1), the offense is cognizable and non-bailable. The Court must be satisfied that there are reasonable grounds for believing the petitioner is guilty of the offense and that he is not likely to commit further offenses while on bail. Given the petitioner's criminal antecedents, it is difficult at this stage to



ascertain that there are no reasonable grounds to believe that the petitioner is guilty of the offense or that he would not commit further offenses while on bail.

7. In the present facts and circumstances of this case and the submissions made above, this Court is not inclined to grant bail to the petitioner. Therefore, the bail application of the petitioner is hereby rejected.

(Dr. Anshuman, J.)

Aman Kumar/-

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