

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.766 of 2015

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Md. Bhola S/O Late Md. Idrish R/O Village- Kulharia, P.S.- Babubarhi,
District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

3 09-03-2015

Heard the learned counsel for the petitioner and
the learned A.P.P. for the State.

The petitioner seeks bail in a case for the offence
punishable under Sections 22 and 23 of the Narcotic
Drugs and Psychotropic Substances Act.

The allegation against the petitioner is that 7.5
kg. of ganja kept in two plastic bags has been recovered
under the cot of the petitioner on which he was sleeping.

It is submitted that the alleged recovery has been
made from the Dalan of the petitioner, which is an open
place and it has not been recovered from the conscious
possession of the petitioner. He has no criminal
antecedent. The quantity of ganja is below the
commercial quantity. After investigation chargesheet
has already been submitted.

Learned counsel for the State submits that the
ganja has been recovered from the possession of the
petitioner in presence of two independent witnesses and
the seizure has also been made in presence of the
witnesses.

Considering the facts and circumstances, in my opinion, the petitioner does not deserve bail. Prayer for bail is rejected at this stage.

Let the trial of the petitioner in Babubarhi P. S. Case no. 157 of 2014 be expedited.

(Amaresh Kumar Lal, J)

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