

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28119 of 2016

Arising Out of PS.Case No. -166 Year- 2015 Thana -BARHARA District- BHOJPUR

=====

1. Harishankar Singh Son of Late Awadh Nath Singh resident of village Barka Lauhar, Police Station Barhara in the district of Bhojpur

.... Petitioner/s

Versus

1. State of Bihar
2. Zonal Director, Narcotic Control Bureau, Bihar, Patna

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anita Kumari Singh
For the Opposite Party/s : Mr. Mr. Satyadarshi Sanjay

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-07-2016

The petitioner is languishing in custody since 26.12.2015 in a case registered for the offences punishable under Sections 20(B), 22 of the N.D.P.S. Act.

The prosecution case is that from the house of the petitioner 12 packets of ganja containing 2 Kg each, 5 packets of ganja containing 1 Kg each and in a plastic bag 5 Kg of loose ganja total weighing 34 Kg were recovered. The raid was also laid in the orchard of the petitioner where three vehicles were found parked. From Tata Safari vehicle, 3 packets of ganja containing 5 Kg each, 5 packets of ganja containing 2 Kg each, one Samsung mobile and Spice mobile were recovered. From Renault Duster vehicle, 10 packets of ganja containing 2 Kg each, 10 packets of ganja containing 1 Kg each, Samsung mobile and MTS mobile having SIM cards of Aircel and Reliance were recovered, whereas from silver colour Hyundai Scoda Car,

15 packets of ganja each containing 2 Kg were recovered.

It is submitted by learned counsel for the petitioner that seizure list does not bear the signature of any family member, hence the seizure can not be treated to be from the possession of the petitioner. The petitioner was not present at the place of seizure. The wife of the petitioner was present in the house but she was neither apprehended nor her signature was taken on the seizure list. The seized vehicles are not registered in the name of the petitioner and the orchard is an open place.

It is submitted by Mr. Ram Anurag Singh, learned counsel for the Union of India that from the house and orchard of the petitioner altogether 119 Kg of ganja has been recovered.

Considering the commercial quantity of recovery, this Court is not inclined to grant bail to the petitioner.

The application stands dismissed in connection with Barhara P.S. Case No. 166 of 2015, arising out of NDPS Case No. 8 of 2015, pending in the Court of learned Sessions Judge, Bhojpur, Ara.

(Dinesh Kumar Singh, J)

Shageer/-

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