

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17001 of 2016

Arising Out of PS.Case No. -399 Year- 2015 Thana -MASAURHI District- PATNA

=====

Bipat Sao

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Satrudhan Kumar

For the Opposite Party/s : Mr. Indra Kumar Singh(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-04-2016

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under section 20 of the NDPS Act.

The prosecution case is that on secret information the police recovered eight ganja plants from the vacant land adjacent to the house of the petitioner.

It is submitted by the learned counsel for the petitioner that the police has not verified the ownership and possession of the land from where the plants were seized. Eight plants do not come within the purview of cultivation. The word 'cultivation' has not been defined in the Act and growing of stray plants cannot come within the purview of cultivation. Statement

has been made in paragraph 18 of the petition that the petitioner is aged 82 years and is suffering from ailments. Statement has also been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the aforesaid facts, in view of this court, it is a case for consideration of the prayer for regular bail of the petitioner by the learned court below in case the petitioner surrenders within six weeks from today in connection with Masaudhi P.S. Case No. 399 of 2015 pending in the court of learned Sessions Judge, Patna.

This application is disposed of with the aforesaid observation/direction.

(Dinesh Kumar Singh, J)

Anil/-

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