

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25864 of 2016

Arising Out of PS.Case No. -93 Year- 2016 Thana -UDWANTNAGAR District- BHOJPUR

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Wasim @ Chhotu S/o- Md. Badruddin

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shri Prakash Srivastava, Advocate

For the Opposite Party/s : Mr. Sri Chandrasen Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 05-07-2016

Heard learned counsels for the petitioner and
learned APP for the State.

The petitioner is languishing in custody since
01.02.2016 in a case registered for the offences punishable under
section 20(c) of The Narcotic Drugs and Psychotropic
Substances Act in connection with Udwant Nagar P.S. Case
No.93/2016, pending before the learned Sessions Judge, Bhojpur,
Ara.

On information being received that through Alto
and Bolero vehicles ganja is being transported, the informant
being SHO of Udwant Nagar police station intercepted an Alto
vehicle bearing Registration No.P-64P/1875 when two persons
started fleeing away from the Alto vehicle, but after getting down
on chase were apprehended, who disclosed their names as



petitioner Wasim @ Chhotu and co-accused Suhail. They also disclosed that one Bolero vehicle is coming which is also loaded with ganja. In the meantime, the Bolero vehicle also reached there, which was being driven by one Sonu Kumar. From the Alto vehicle five packets, weighing 950 gms. each, ganja was recovered total weighing 4.750 kg whereas from the Bolero 28 packets each weighing 950 gms, and two packets each containing 500 gms of ganja were recovered. Hence, total weighing 32.350 kg of ganja was recovered from the two vehicles. Apart from the same, mobile phones with dual SIM were also recovered from the accused persons.

It is submitted by learned counsel for the petitioner that in the prosecution report place of seizure has not been mentioned and from the possession of the petitioner only 4.750 K.G. of ganja has been recovered, which is between the small and commercial quantity. Hence, the petitioner deserves to be released on bail.

Mr. Chandrasen Prasas Singh, learned APP for the State submits that not only 4.750 K.G. of ganja has been recovered from the possession of the petitioner but the petitioner was also aware about the ganja being transported through the Bolero Vehicle, hence, recoveries from two vehicles cannot be

separately accounted. Hence, the recovery is of commercial quantity. The petitioner has admitted that his brother is also involved in trafficking of ganja. The investigation has already concluded.

Considering the nature of accusation, this court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail on behalf of the petitioner is rejected.

(Dinesh Kumar Singh, J)

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