

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26873 of 2016

Arising Out of PS.Case No. -17 Year- 2016 Thana -CHAURADANO District-
EASTCHAMPARAN(MOTIHARI)

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1. Gajendra Giri son of Bhajan Giri, resident of village Charmohna, P.S.- Kawai, District- Bara (Nepal)	 Petitioner
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Versus

1. The State of Bihar	 Opposite Party
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Appearance :

For the Petitioner : Mr. Mukesh Kumar Jha, Adv.

For the Opposite Party : Mr. Bharat Lal, APP 15

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 24-08-2016 Heard the learned counsel for the petitioner and the State.

The petitioner is in languishing in jail since 21.02.2016 in a case registered under Sections 20(b), 22, 23 and 24 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

From the possession of the petitioner eight kilogram of ganja, in two packets, one packet from the waist of the petitioner and another packet beneath the seat of the motorcycle, were recovered while the petitioner was travelling on the motorcycle.

It is submitted by the learned counsel for the petitioner that the seizure list does not depict the signature of the petitioner, which reflects that the seizure has not been prepared in presence of the petitioner and this fact has not been controverted by the learned Additional Public Prosecution, appearing on behalf of the State.

Keeping in view of the fact that the case has been registered under Section 24 of the Narcotic Drugs and Psychotropic Substances Act, 1985, as the accusation is that the

petitioner was coming on motorcycle from Nepal and the petitioner is resident of Nepal, hence, in view of embargo under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, this Court is not inclined to grant bail to the petitioner.

The prayer for bail is rejected.

The learned trial Court is expected to conclude the trial within eight months. If the trial will not be concluded within six months, the petitioner will be at liberty to renew the prayer for bail.

(Dinesh Kumar Singh, J)

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