

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31004 of 2016

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

Hem Lal Singh Son of late Besh Lal Singh Resident of Village- Bhadaura,
P.S. Masaurhi, District Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar Sinha

For the Opposite Party/s : Mr. Sri Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-07-2016

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Section 20 of the N.D.P.S. Act which ought to have been registered under Section 20(a) of the NDPS Act.

The prosecution case is that on secret information, the police recovered four stray plants of ganja from the courtyard of the petitioner.

It is submitted by learned counsel for the petitioner that under the provision of Section 20(a) of the NDPS Act, the cultivation of cannabis plant constitutes an offence. The word ‘cultivation’ has not been defined in the NDPS Act. Growing of stray plat does not come within the purview of cultivation. A

statement has been made in para 3 of the petition that the petitioner has no criminal antecedent.

Learned A.P.P., Mr. Arun Kumar Pandey does not dispute that four stray plants of ganja were recovered from the courtyard of the petitioner.

In view of this Court, it is a case for consideration of regular bail.

Let the learned court below consider the prayer for regular bail of the petitioner if he surrenders within a period of six weeks in connection with Special Case No. 42 of 2015 arising out of Masaurhi P.S. Case No.399 of 2015 pending in the court of learned Sessions Judge, Patna.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

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