

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1628 of 2018

Arising Out of PS.Case No. -138 Year- 2017 Thana -SANGRAMPUR District- MUNGER

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Mantu Sah @ Suresh Sah S/o Late Jagarnath Sah, R/o Village + P.S.-
Sanagrampur, Distt.- Munger.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Kamal Nayan

For the Opposite Party/s : Mr. Sri Rajkishore Singh

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

02/ 11-01-2018

Heard learned counsel for the petitioner

and learned APP for the State.

The petitioner is apprehending his arrest in
a case registered for the offences punishable under Sections 20
and 22 of the NDPS Act.

The prosecution case as per the informant,
S.I. Dinesh Kumar is to the effect that on 31.10.2017 at 11.05
A.M. he received information that petitioner is illegally selling
ganja. On such information a raiding team was constituted and
the house of the petitioner was raided when the petitioner tried to
flee away but his wife was apprehended, who disclosed her
name as Guriya Devi and from the verandah of the house of the
petitioner from a plastic bag 800 gms. ganja was recovered.



It is submitted by learned counsel for the petitioner that the recovery of ganja has been made from an open area and it cannot be treated from the house of the petitioner. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Mr. Raj Kishore Singh, learned counsel for the State submits that the recovery has been made from the verandah of the house of the petitioner.

Considering the fact that the recovery has been made from an open area and recovery is of small quantity, it is a case for consideration of prayer for regular bail by the learned Court below, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Sangrampur P.S. Case No. 138 of 2017 pending in the court of learned Sessions Judge, Munger.

With the aforesaid observation, this application is disposed of.

(Dinesh Kumar Singh, J)

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