

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5871 of 2019

Arising Out of PS. Case No.-230 Year-2018 Thana- KHAGARIA District- Khagaria

Chitranjan Kumar Son of Ramjiwan Mahto Resident of Village – Telani, P.S.
Bithan, District Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. R.K. Sharma, Sr. Advocate
		Mr. Ashok Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr. Anand Mohan Prasad Mehta, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 29-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Special case No.3 of 2018 arising out of Khagaria P.S. case No.230 of 2018 instituted for the offences under Sections 8/20(b)(ii)(c)/25/29 of the N.D.P.S. Act, pending in the court of Special Judge-cum-Sessions Judge, Khagaria.

Prosecution case, in short, is that 1137 kg ganja is recovered.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 20.04.2018 and has got no criminal antecedent. Charge sheet/prosecution report has been submitted in this case. There is no allegation of tampering of witnesses



alleged against the petitioner. It is alleged that 1137 kg ganja is recovered from from the truck in question. Same is not recovered from the conscious possession of the petitioner. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. and the petitioner was also in the truck in question. The alleged recovered quantity is above the commercial quantity. In the light of the provisions of Section 37 of the N.D.P.S. Act, the petitioner is not entitled for bail.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected.

The Trial Court is directed to take all necessary steps to conclude the trial preferably within a period of one year from the date of receipt/production of a copy of this order.

(Sudhir Singh, J)

Narendra/-

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