

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11892 of 2019

Arising Out of PS. Case No.-468 Year-2018 Thana- BRAHMPUR District- Buxar

SIDHNATH SAH Son of Late Paras Nath Sah R/o village- Mahuar, P.S-
Nainijor , District- Buxar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar Bhaskar

For the Opposite Party/s : Mr.Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 24-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in N.D.P.S. case No.7 of 2018 arising out of Brahmpur P.S. case No.468 of 2018 arising out of Barachatti P.S. case No.11 of 2019 registered under Sections 20 (b) (ii) (c)/27(a)/29 of N.D.P.S. Act, pending in the court of Sessions Judge-cum-Special Judge, N.D.P.S., Buxar.

The allegation is that 60 kgs of ganja is recovered.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 17.11.2018 and has got no criminal antecedent. Charge sheet has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated



in this case. There is no compliance of Sections 42 and 50 of N.D.P.S. Act. A petition was filed vide Annexure 2 to the present application before the Superintendent of Police, Buxar, where it has been alleged by the local residents that the recovered article was not ganja, rather same was bhang and bhang does not come under the N.D.P.S. Act.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. There is recovery of 60 kgs of ganja from the constructive possession of the petitioner. Same is more than commercial quantity. The petitioner is not entitled for bail as per Section 37 of N.D.P.S. Act. As per F.S.L. report, the recovered contraband is said to be ganja.

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 nine months from the date of receipt/production of a copy of this order.

(Sudhir Singh, J)

Narendra/-

U		T	
---	--	---	--

