

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16496 of 2019**

Arising Out of PS. Case No.-170 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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MD. MUMTAZ @ MD. MATAZ Son of Md. Shamsher Sah @ Shamsher Sah
Resident of Naya Tola, Shahbaj Nagar, Fatehpur, P.S- Zero Mile Sabour,
District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhoy Kumar Kashyap

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the
offences under Section 20(b) of the N.D.P.S. Act.

The prosecution case in short is that 85 kg ganja has
been recovered in this case.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 10.5.2018 and has got no
criminal antecedent. There is no allegation of tampering of
witnesses alleged against the petitioner. Charge-sheet has been
submitted in the present case. The petitioner has falsely been
implicated in the present case. 85 kg ganja is alleged to have
been recovered. 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. 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 cannot be granted bail.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The prayer is rejected. The Trial Court is directed to take all necessary steps to conclude the trial preferably within one year from the date of receipt/production of a copy of this order.

(Sudhir Singh, J)

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