

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16546 of 2019

Arising Out of PS. Case No.-9 Year-2018 Thana- ISMAILPUR District- Bhagalpur

Mantoo Mandal @mantu Kumar Son of Bhagwan Das Resident of Village -
Neba Lal Das Tola @ Neba Das Tola, P.S.- Ismailpur, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar Sinha

For the Opposite Party/s : Mr.Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 30-07-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered under Sections 20, 22, 25 of the N.D.P.S. Act and under Sections-420, 120B of the Indian Penal Code.

Allegedly, 121 kg Ganja, kept in 15 plastic bundles, was recovered.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is in custody since 17-03-2018. Charge sheet in this case has already been submitted. The petitioner has been falsely implicated in the present case. There is no other substantive evidence to suggest the implication of the petitioner in the



present case. There is recovery of only 400 gm. of Ganja from his conscious possession. Same is below the commercial quantity. There is no compliance of Sections 42 & 50 of NDPS Act.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R. 121 Kg. Ganja is alleged to have been recovered from house of the petitioner. The said Ganja is recovered from constructive possession of the petitioner. Same is more than commercial quantity. Hence, in the light of Section 37 of NDPS Act, the petitioner is not entitled for bail.

Accordingly, prayer for bail of the petitioner in connection with Ismailpur P.S. Case No. 09 of 2018 is rejected.

Learned trial court is directed to take all necessary steps to conclude the trial of the petitioner, preferably, within a period of 9 months from the date of receipt/production of copy of the order.

(Sudhir Singh, J)

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