

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24072 of 2019

Arising Out of PS. Case No.-62 Year-2018 Thana- INARWA District- West Champaran

Sunil Kumar, Son of Gudar Mahto, Resident of Village - Khamiya, P.S.-
Inarwa, Distt - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Anand

For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

7 04-12-2019 Instant petition under Sections 439 and 440 of Criminal Procedure Code has been moved for grant of bail in F.I.R. No. 62 of 2018 dated 17.11.2018 registered at Police Station Inarwa District-West Champaran, Bettiah under Sections 20, 21, 22 and 23 of the Narcotic Drugs and Psychotropic Substance Act.

Petitioner is in custody since 18.11.2018 in relation to an offence allegedly committed in the year 2018.

Learned counsel for the petitioner invites attention of this Court to an order dated 30.09.2019 passed by a Co-ordinate Bench of this Court in Cr.Misc. No. 49040 of 2019 in relation to a co-accused, which reads as under:

Heard learned counsel for the parties.

The Petitioner seeks bail in connection with Inarwa P.S. Case No. 62 of 2018 registered for the offence punishable under Sections 20,21,22 and 23



of the NDPS Act.

Allegation is of recovery of 75 Kg of Ganja from the possession of the petitioner.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case due to suspicion. No incriminating material has been recovered from the possession of the petitioner. The Ganja has been recovered from the back portion of the Samudayik Bhawan which is a open space. Petitioner is in custody since 18.11.2018.

However, considering the allegation against the petitioner that 75 Kg of Ganja has been recovered from his possession, I am not inclined to enlarge the petitioner on bail. Hence, the prayer for bail of the petitioner is hereby rejected.

However, the petitioner is granted liberty to renew the prayer for bail after completing nine months of custody in jail.”

In view of the said order, the present application is dismissed with liberty to the petitioner to renew his prayer for bail after completing nine months of custody in jail.

(Sanjay Karol, CJ)

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