

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28200 of 2019

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

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CHEGAN SAH @ MUNI SAH @ MUNIJI SAH Son of Late Paras Nath Sah,
Resident of Village-Mahuwar, P.S-Brhampur (Nainijor), District-Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar Roy, Adv.

For the Opposite Party/s : Mr.Aditya Narayan Singh.1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 16-11-2019 Heard learned counsels for the petitioner, Union of
India and learned APP for the State.

The petitioner is languishing in custody since 28.01.2019 in a case registered for the offences punishable under Sections 20(b) (ii) (C) and 27 (a) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

It is alleged that on secret information that the petitioner and one Sidhnath Sah are indulged in the business of ganja, a raid was laid and from the house of co-accused Sidhnath Sah, 60 Kgs of ganja and from the house of the petitioner, 50 Kgs of ganja were recovered.

It is submitted by learned counsel for the petitioner that the recovery has not been made from the conscious physical possession of the petitioner, rather it has been made from the joint family house. A statement has been made in



paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Mr. Rajesh Verma, learned counsel for the Union of India submits that the commercial quantity of ganja has been recovered. Though in the seizure list, it is mentioned that 50 Kgs. has been recovered from the house of the petitioner, but in the impugned order, the recovery of ganja has been recorded as 110 Kgs.

Considering the recovery of commercial quantity of ganja and in view of the embargo under Section 37 (a) of the Narcotic Drugs and Psychotropic Substances Act, 1985 , this Court is not inclined to grant bail to the petitioner for the present.

Accordingly, the prayer for bail of the petitioner in connection with N. D. P.S. Case No.7 of 2018, arising out of Brahmampur (Nainijor) P.S. Case No. 468 of 2018 pending before the learned ADJ-III, Buxar is rejected.

However, it is expected from the trial Court to expedite the trial.

(Dinesh Kumar Singh, J)

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