

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31573 of 2019

Arising Out of PS. Case No.-444 Year-2018 Thana- BARACHATTI District- Gaya

MD. MOBIN Son of Md. Waseem Resident of Village-Shahbaj Nagar, Police Station-Mojahidpur, District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pravin Kumar Sinha

For the Opposite Party/s : Mr.Arbind Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 20-09-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in N.D.P.S. case No.22 of 2018 arising out of Barachatti P.S. case No.444 of 2018 registered under Sections 18/20/22 of N.D.P.S. Act, pending in the court of 1st Additional Sessions Judge, Gaya.

Allegation is that 77 kg of ganja is recovered.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 6.7.2018 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 the present case. It is alleged that 77 kg of ganja is recovered from the car. There is no recovery from the conscious



possession of the petitioner. The petitioner happens to be the passenger sitting in the car and the recovery is said to have been made from the car.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. 77 kgs of ganja is said to have been recovered from the seat, on which the petitioner was sitting in the car. Said recovery is from the constructive possession of the petitioner. As per Section 37 of N.D.P.S. Act, the petitioner is not entitled for bail.

Considering the nature of accusation, 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	
---	--	---	--

