

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48472 of 2019

Arising Out of PS. Case No.-261 Year-2018 Thana- DAGARUA District- Purnia

AAKASH KUMAR S/o Madan Yadav @ Madan Singh R/o village-
Ratandularpur, P.S.- Ara Mufassil, District- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through N.C.V. Ministry of Home Affairs, Govt. of India
India

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Amarendra Kumar
For the Opposite Party/s	:	Mr.Nityanand
For U.O.I.	:	Mrs Shail Kumari, C.G.C.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-08-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the
offences under Sections 8, 20(b)(ii)(c) and 25 of N.D.P.S. Act.

The prosecution case in short is that 205 kg ganja has
been recovered in this case.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 21.12.2018 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 been made
accused due to mistake of fact. 205 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 is not entitled for bail.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner in connection with Special Case No. 22 of 2018/CIS No. 22 of 2018 (NDPS Act) arising out of Dagarua P.S. Case No. 261 of 2018. The prayer is rejected. The Trial Court is directed to take all necessary steps to conclude the trial preferably within a period of none months from the date of receipt/production of a copy of this order.

(Sudhir Singh, J)

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