

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56405 of 2019

Arising Out of PS. Case No.-1 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Purnia

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Rakesh Kumar S/O Sri Prabu Prasad Resident of - Ashok Nagar, Road NO.-8
P.S.- Kankarbagh, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Ambastha
For the Opposite Party/s : Mr.Sanjay Kumar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered under Section
20(b) of the N.D.P.S. Act.

Allegedly, 116 kg Ganja is recovered from constructive
possession of the petitioner.

It has been submitted on behalf of the petitioner that there
is no allegation of tampering of witnesses alleged against the
petitioner. The petitioner is in custody since 01-02-2019. Charge
sheet in this case has already been submitted. The petitioner has
been falsely implicated in the present case. There is no recovery
of contraband substance from conscious possession of the
petitioner. There is no compliance of Sections 42 & 50 of the



NDPS Act.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R. 116 Kg. Ganja is alleged to have been recovered from constructive possession of the petitioner. The recovered Ganja 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 Special Case No. 08 of 2019 corresponding to P.R. Case No. 01/18-19 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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