

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62270 of 2019

Arising Out of PS. Case No.-82 Year-2018 Thana- BACHHWARA District- Begusarai

MUNNA RAI @ MUNNA RAY Son of Late Sahdeo Rai Resident of Village -
Rupaswaj, P.S.- Bachhwara, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Prakash Singh
For the Opposite Party/s : Mr.Dr. Indihar Kumari

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-11-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Bachhwara P.S. Case No.
82/2018 instituted for the offences under Sections 20 and 22 of
the N.D.P.S. Act.

The prosecution case in short is that 32 kg. ganja was
has been recovered in this case.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 27.5.2019 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. 30 kg ganja is alleged to have
been recovered from the dilapidated house belonging to the



petitioner. The recovery is not from the conscious possession of the petitioner. 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 cannot be granted bail. The recovery is made from the constructive possession of the petitioner.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The prayer is rejected. The Trial Court is directed to take all necessary steps to conclude the trial preferably within one year from the date of receipt/production of a copy of this order.

(Sudhir Singh, J)

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