

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18994 of 2020

Arising Out of PS. Case No.-146 Year-2019 Thana- INDUSTRIAL District- Bhagalpur

SUBHASH PRASAD SAH Son of Late Gurudayal Sah Resident of Mohalla -
Aliganj, P.S.- Mojahidpur (Babarganj), Distt - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha

For the Opposite Party/s : Mr.Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 25-08-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard Shri Ranjan Kumar Jha, learned counsel appearing for the petitioner and Shri Jitendra Kumar Singh, learned A.P.P. for the State.

The petitioner seeks regular bail in connection with N.D.P.S. No. 27 of 2019 arising out of Industrial P.S. Case No. 146 of 2019 for the offence punishable under Sections 20 & 22 of the NDPS Act.

The case of the prosecution in brief is that upon information received about narcotics substance being ferried as also being tried to be smuggled through the place in question, the police party had reached at the alleged place of occurrence and while they were



conducting search of the vehicles, two vehicles are stated to have stopped at the flyover, upon having seen the police party and some persons had come out of the same and were trying to flee away, however, some persons including the petitioner herein were arrested from the spot while some of the accused persons managed to flee away. Thereafter, search was conducted and 60 kgs. Ganja was recovered from the Maruti Suzuki SX4 car.

The learned counsel for the petitioner has submitted that the petitioner was not sitting in the car from which the Ganja has been recovered, hence he cannot be stated to be having any complicity in the matter. It is further submitted that the petitioner is having a clean antecedent and is languishing in custody since 31.10.2019. Lastly, it is submitted that the petitioner is suffering from cancer, hence a sympathetic view be taken.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties and perused the materials on record as also the case dairy, which has been called for in the present case by an earlier order passed by this Court. At the outset, it must be mentioned that the learned counsel for the petitioner has failed to show any material on record to suggest that the petitioner was not travelling in the car from which the narcotics substance has been recovered, nonetheless, the fact



remains that the allegation of the prosecution is that both the vehicles as also their occupants are having complicity in the alleged transportation of narcotics substance. This Court further finds from the record that the petitioner is having complicity in the matter and has been caught red handed from the spot whereupon search was conducted and 60 kgs. Ganja has been recovered from the vehicle in question. It is also apparent that the quantity of Ganja seized is much more than the commercial quantity defined in the Schedule to the Narcotic Drugs & Psychotropic Substance Act, 1985.

Considering the aforesaid facts and circumstances of the case as also the fact that huge quantity of Ganja, which is much more than the commercial quantity, as specified in the Schedule to the NDPS Act, 1985, has been recovered, the petitioner has been caught from the spot, red handed, and further taking into account the stringent provisions contained in Section 37 of the NDPS Act, 1985, I do not find the present case to be a fit case for grant of regular bail, hence the present petition stands dismissed.

(Mohit Kumar Shah, J)

S.Sb/-

U		T	
---	--	---	--

