

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54007 of 2019

Arising Out of PS. Case No.-291 Year-2019 Thana- LAKHISARAI District- Lakhisarai

Nageshwar Jha Son of Late Chhotan Jha Resident of Village - Balgudar, P.S.-
Lakhisarai, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Mr. J.N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 19-03-2020 Heard learned counsels for the petitioner and the
State.

The petitioner is languishing in custody since 03.04.2019 in a case registered for the offences punishable under Sections 8 and 20(b)(ii)(c) of the Narcotics Drugs and Psychotropic Substance Act (hereinafter referred to as 'NDPS Act').

It is alleged that from the tea stall of the petitioner, 5 kg ganja and from the house of the petitioner kept in four containers, 42.1 Kg ganja were recovered.

It is submitted by learned counsel for the petitioner that the petitioner is an old person and the ganja was stored probably by the son of the petitioner, co-accused Ravi Kumar, who has been granted bail by a Co-ordinate bench of this Court, vide order dated 01.08.2019, passed in Cr. Misc. No. 46528 of 2019. A



statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP, after going through the case diary, submits that commercial quantity of ganja has been recovered from the tea stall and house of the petitioner.

Considering the fact that the recovery of ganja is of commercial quantity and the embargo of Section 37 of the NDPS Act applies, this Court is not inclined to grant him bail.

Accordingly, the prayer for bail of the petitioner is rejected in connection with Lakhisarai P.S. Case No. 291 of 2019 pending in the Court of learned Sessions Judge, Lakhisarai.

Accordingly, the present application is dismissed.

(Dinesh Kumar Singh, J)

Amrendra/-

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