

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74715 of 2019**

Arising Out of PS. Case No.-12 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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MANOJ SAH Son of Mushaharu Sah Resident of Village-Banania, P.S.-
Kisanpur, District-Supaul.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Narcotics Control Bureau, Karpuri Thakur Sadan CGO Complex, 'D' and 'E'
Block, Ashiyana-Digha Road, Patna-800025.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Y. V. Giri, Sr. Adv.
Mr. Pranav Kumar

For the Union of India : Mr. Manoj Kumar Singh (CGC)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 05-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered under
Sections 8, 20, 25 & 29 of the N.D.P.S. Act.

Allegedly, 550 kg Ganja is recovered in this case.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation
of tampering of witnesses alleged against the petitioner. The
petitioner is in custody since 09-05-2019. Charge
sheet/Prosecution report has already been submitted. The
petitioner has been falsely implicated in the present case. There
is no other substantive evidence to suggest the implication of the



petitioner in the present case. The petitioner was a co-passenger on the truck, in question. He had no knowledge regarding the nature of goods, kept in the truck. There is no compliance of Sections 42 & 50 of the NDPS Act.

On behalf of the O.P. No. 2, it is submitted that the petitioner is named in the Complaint Case/F.I.R. He was apprehended with the truck, in question. The recovery is from constructive possession of the petitioner. 550 Kg. Ganja is alleged to have been recovered from the vehicle in question. The amount of 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 NCB Case No. 12 of 2019 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.

The Director, Narcotic Control Bureau, Patna is directed to ensure the production of prosecution witnesses on the date, fixed by the trial court so that the trial could be concluded within the stipulated period of nine months.



Let a copy of this order be communicated to the
Director, Narcotic Control Bureau, Patna for needful.

(Sudhir Singh, J)

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