

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16040 of 2021

Arising Out of PS. Case No.-8 Year-2020 Thana- D.R.I District- Patna

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DHARMESH JHA, SON OF LATE RAM UDGAR JHA, R/o Ward No. 3,
Udapatti, P.O. - Bathua, P.S. - Musarigharari, District - Samstipur

... .. Petitioner/s

Versus

THE UNION OF INDIA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Bihari Tiwary, Advocate
For the Union of India : Mr. Ratnesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 25-10-2021 Heard the parties.

Petitioner seeks bail in a case registered for the offences punishable under Sections 20, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

More than one thousand Kg. i.e. commercial quantity of Ganja was recovered from the cavity of the truck of which the petitioner was driver.

Learned counsel for the petitioner submits that the petitioner has got no criminal antecedent. He is in custody since 01.09.2020. The seizure was not made at the spot nor seizure list was prepared thereat. Moreover, the witnesses are not of the locality. Therefore, evidently, there is non-compliance of mandate of law.

Mr. Ratnesh Kumar, learned counsel appearing for the Union of India opposed the prayer for bail on the ground that



recovery is of commercial quantity. Hence, embargo contained under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 is attracted.

Considering the nature of allegation and available material, I am not inclined to enlarge the petitioner on bail in connection with Special Case No. 128 of 2020 pending in the Court of learned Sessions Judge-cum-Special Judge, Patna/successor Court. Hence, prayer for bail is refused.

Learned Trial Court is directed to expedite the trial of the case. The compliance of mandate of law would be considered at the appropriate stage of the trial.

(Birendra Kumar, J)

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