

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20968 of 2021

Arising Out of PS. Case No.-368 Year-2020 Thana- KUDRA District- Kaimur (Bhabua)

SANJAY KUMAR, Son of Shankar Sah, Resident of Village - Shekhpurwa,
P.S.- Kudra, District - Kaimur at Bhabua.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Parwej Khan, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 28-10-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Gauri Shankar Gupta, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Kudra P.S. Case No. 368 of 2020 arising out of N.D.P.S. Case No. 50 of 2020 registered for the offence punishable under Section 8(c)/20(b) (ii)/B/27(A) of the Narcotic Drugs and Psychotropic Substances Act (in short 'N.D.P.S. Act') and Section 25(1-b)A/26/35 of the Arms Act. He is in custody since 15.12.2020. Petitioner has no criminal antecedent.

As per the prosecution story, the Police on getting secret information conducted a raid in the house of co-accused



Baban Sah and recovered 10 Kgs. of Ganja from his house and on his disclosure the name of the petitioner to be the person dealing in Ganja, the police conducted raid in the house of the petitioner and recovered 1 Kg. of Ganja, one country made pistol and 13 live cartridges from his house.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the recovered quantity of Ganja is much less than the commercial quantity and only one pistol is said to have been recovered with 13 live cartridges for which the petitioner is in custody since 15.12.2020.

Mr. Gauri Shankar Gupta, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. It is submitted that though the recovered Ganja is much less than the commercial quantity but recovery of 13 live cartridges with pistol may be considered.

Having regard to the facts and circumstances of the case wherein this Court has noticed that though the quantity of Ganja allegedly recovered from beneath the bed of the petitioner is less than commercial quantity and rigours of Section 37 of the N.D.P.S. Act would not be attracted, for the reason that apart from the said Ganja, one Desi Katta and 13 live cartridges have



been recovered simultaneously from the bed of the petitioner, this Court is not inclined to release the petitioner on bail at this stage. Prayer for bail of the petitioner is, thus, refused.

Let the trial be expedited.

If the trial remains unconcluded for a period of nine months for no reason attributable to the petitioner, he may renew his prayer for bail.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

