

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21013 of 2021**

Arising Out of PS. Case No.-317 Year-2020 Thana- MAIRWAN District- Siwan

Amir Khurshid S/O Khurshid Ahmad R/O Village-Marakan, P.S.-
HUSSAINGANJ, District-Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari, Advocate

For the Opposite Party/s : Mr.Parmanand Kumar, APP

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

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 05-08-2021 Heard learned counsel for the petitioner, learned
counsel for the Union of India and learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Mairwa P.S. Case No. 317/2020 registered
for the offences punishable under Section 307, 353, 34 of the
Indian Penal Code and 20(B),(II) C, 23(C),29 of the N.D.P.S.
Act.

Learned counsel for the petitioner submits that as per
the prosecution story, the petitioner was arrested sitting in the
vehicle which was intercepted by police and in presence of the
Gazetted Officer Anchal Adhikari from the said vehicle 132 Kg.
80 gm. of Ganja have been recovered. The petitioner was
arrested on the spot, however, it is the submission of learned
counsel for the petitioner that petitioner is not connected with

the present offence and there is violation of Section 100 Cr.P.C.

Learned A.P.P. for the State has submitted that in view of the recovery of commercial quantity of Ganja the rigours of Section 37(b) of the N.D.P.S. Act would be attracted and unless the petitioner satisfies the twin conditions mentioned therein for purpose of bail, the petitioner does not deserve privilege of bail.

Considering the facts and circumstances of the case wherein this Court has noticed that the petitioner was arrested on the spot sitting in the vehicle from which huge quantity of Ganja has been recovered, the materials present before this Court are such that petitioner is unable to satisfy the twin conditions for purpose of bail, the prayer for bail of the petitioner is, thus, refused.

Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.