

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31401 of 2021

Arising Out of PS. Case No.-37 Year-2020 Thana- MASAUDHI District- Patna

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RANJEET YADAV @ RANJEET KUMAR S/O LATE RANDEEP YADAV
R/o village- Rewan Shyamlal Tola, P.S.- Masaurhi, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Dharendra Kumar Sinha, Adv.
		Mr. Satrudhan Kumar, Adv.
For the Opposite Party/s :		Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 13-12-2021 Heard Mr. Dharendra Kumar Sinha, learned counsel

for the petitioner and Mr. Binod Kumar, Additional Public

Prosecutor for the State.

Petitioner seeks regular bail in connection with
Special Case No. 19/2020 arising out of Masaurhi PS Case No.
37/2020 registered for the offence punishable under Sections
20/22 of the NDPS Act.

The allegation against the petitioner as, per First
Information Report, is that total quantity of 106 Kilograms of
Ganja has been recovered from the verandah/husk house of the
petitioner.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case by the police



due to oblique motive and the house, from where Ganja has been recovered, is a joint house of the petitioner and other family members also reside there. Learned counsel further submits that the said verandah/husk house is an open place which is accessible.

Learned counsel next submits that at the time of search and seizure, the procedure prescribed under Section 100 CrPC has not been followed and the seizure list bears the signatures of two constables only and the signature of petitioner was not taken on the seizure list. It is also submitted that no forensic report confirming the material recovered from the house of the petitioner as Ganja, has been brought on record by the police. He next submits that the petitioner is in custody since 20.01.2020.

On the other hand, learned counsel for the State opposes the prayer for bail of the petitioner and submits that since no body was ready to sign the seizure list, the constables available on the spot, were asked to sign the seizure list and if there is any defect or lacunae, the same can be raised by the petitioner at the time of trial. He next submits that after receipt of the forensic report from the Laboratory, the same will be filed before the Special Court by the Investigating team.



Regards being had to the submissions made by the parties and taking into consideration the material on record, *prima facie*, it appears that a huge quantity/commercial quantity of Ganja has been recovered from the house of the petitioner, and there is reasonable ground to believe the commission of offence by the petitioner and this Court is not holding a mini trial at this stage, accordingly, I am not inclined to grant regular bail to the petitioner, the same is, hereby, rejected.

(Anil Kumar Sinha, J)

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