

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29624 of 2020

Arising Out of PS. Case No.-83 Year-2020 Thana- DURGAWATI District- Kaimur (Bhabua)

RAJAN PANDEY, Son of Triveni Pandey, R/O Mohalla - Tulsipur, P.O. and
P.S.- Sigara, Distt. - Varanasi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parth Gaurav
For the Opposite Party/s : Mrs.Renu Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-01-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Since the physical court proceeding is non-functional,
due to present pandemic, COVID-19, the matter is listed with
defects.

Learned counsel for the petitioner undertakes to
remove the defects as pointed out by the office within three
weeks of normal functioning of the court, failing which the
office is directed to place the matter before the Bench.

Prosecution case in brief is that as per allegation the
petitioner is alleged to have indulged in cultivating cannabis
(Ganja) plant and as alleged on the basis of secret information
the police conducted a raid in the garden beside the house of the
petitioner and in present of Magistrate as well as witnesses,



recovered 08 plants of cannabis of different age and size.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 8 (B)/20(a) (1) of the N.D.P.S. Act.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The fact that the petitioner lives in Varanasi with his family members and he is also doing business there. He rarely comes to his village and so far the plantation of cannabis type tree as mentioned in the FIR is concerned, the same was seized from the edge of the plot of the petitioner.

Learned counsel for the petitioner further submits that the petitioner is not living in the said village. The petitioner has no criminal antecedent.

Learned APP for the State opposes the prayer for bail of the petitioner.

In the aforesaid facts and circumstances, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected in connection with Durgawati P.S. Case No. 83/2020 from the Court of learned Chief Judicial Magistrate, Kaimur at Bhabhua.

Accordingly, the application is dismissed.



However, petitioner is directed to surrender before the learned court below and make prayer for bail, the learned court below shall dispose of the bail petition on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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