

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32157 of 2020

Arising Out of PS. Case No.-101 Year-2020 Thana- PATLIPUTRA District- Patna

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BINOD KUMAR @ BINOD PRASAD @ BINOD KUMAR RAI Son of Late Chandrika Rai @ Dwarika Sao, Resident of Mohalla Rajiv Nagar Road No. 15, P.S. - Rajiv Nagar, District - Patna (In the First information Report address is wrongly written as Mohalla Nehru Nagar, Harijan Tola, P.S. - Patliputra, District – Patna).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
		Mr. Malay Kumar Choudhary, Advocate
For the Opposite Party/s	:	Mr. J.K.Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 08-01-2021 Heard learned counsel for the petitioner and learned APP for the State. Learned counsel for the petitioner has filed an undertaking to remove all defects pointed out by the Stamp Reporter as and when required. It is accordingly directed that all defects pointed out by the Stamp Reporter be removed within one month hereof.

2. The petitioner is in custody since 17.08.2020 in connection with Patliputra P.S. Case No. 101 of 2020 for the alleged offences under Sections 20/22 of the NDPS Act and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. It is submitted that the petitioner has been falsely implicated in connection with recovery of 101.700 litres of wine and 2 kg. 50 grams of ganja from the asbestos house of the petitioner. It is submitted that in fact the petitioner has no concern with the asbestos structure and there is nothing to indicate that the same belongs to him. The quantity of ganja recovered is far below the commercial quantity. The procedure of



seizure effected does not meet the requirements of law.

4. Learned APP appears and opposes the petition, submitting that a large quantity of liquor and ganja have been recovered from the house of the petitioner who has similar criminal antecedents.

5. Having regard to the nature of accusations and gravity of offence alleged as well as the criminal antecedents of the petitioner, this Court is not inclined to grant the privilege of bail to the petitioner. The petition stands dismissed.

6. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

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