

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46102 of 2021

Arising Out of PS. Case No.-78 Year-2020 Thana- SAKRA District- Muzaffarpur

ARUN SAH Son of Late Mahadev Sah Resident of Village- Bazi Raut, Police
Station- Sakra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Prasad Singh

For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 24-11-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned Counsel for the petitioner submits that a separate revision application has been filed against the order passed by the learned Court below, refusing the default bail to the petitioner under Section 167 (2) of the Code of Criminal Procedure, 1973. He further submits that the petitioner is pressing the present application for bail on its own merits.

The petitioner seeks regular bail in connection with Sakra Police Station Case No. 78 of 2020, registered for the offences punishable under Section 120-B of the Indian Penal Code and Sections 20(a)/20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

This is the second attempt on behalf of the petitioner



for grant of regular bail. Earlier, the regular bail application of the petitioner was withdrawn, vide order, dated 16.03.2021, passed in Criminal Misc. No. 40434 of 2020.

The allegation, as per the First Information Report, is that pursuant to secret information regarding illegal possession and sale of ganja by the petitioner, a raid was conducted by the police, along with the C.O., in the scrap shop of the petitioner on 26.02.2020 and a total quantity of 429 kgs. of ganja was recorded from the said scrap shop of the petitioner.

Learned Counsel for the petitioner submits that the scrap shop, from where ganja has been recovered, does not belong to the petitioner and he is not the owner of the said shop.

On the other hand, learned Additional Public Prosecutor submits that from perusal of the seizure list, it would be apparent that ganja has been recovered from the shop of the petitioner and he was arrested from the spot. He further submits that under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, this regular bail application is not maintainable.

Regards being had to be submissions advanced on behalf of the parties and taking into consideration the fact that a huge quantity of ganja has been recovered from the shop of the



petitioner and *prima facie* I am satisfied that there is material against the petitioner on record, I am not inclined to grant regular bail to the petitioner.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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