

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No. 46993 of 2021

Arising Out of PS. Case No.-2 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Aurangabad

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DINESH YADAV Son of Late Lotan Yadav Resident of Village - Ahan
Sonkhari, P.S.- Kerakat, Distt.- Jaunpur (Uttar Pradesh).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 01-09-2021 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and the learned APP for the State Mr. Md. Iftekhar Mahmood.

The present petition at the behest of the petitioner is by way of second attempt for grant of regular bail in connection with Aurangabad Government Official Complaint (N.D.P.S.) case no. 02 of 2020 under Sections 20(b)(II)(c) and 25 of N.D.P.S. Act, inasmuch as the earlier prayer of the petitioner for



regular bail was rejected by this Court vide order dated 29.01.2021, passed in Cr. Misc. no. 28908 of 2020.

The allegation is regarding recovery of 27 kgs. of ganja (contraband item) from the dicky of the car, in which the petitioner was found to be sitting.

The learned counsel for the petitioner has submitted that the petitioner is languishing in custody since 24.02.2020 and there is no progress in the trial. It is also submitted that the car does not belong to the petitioner.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, this Court finds that the prayer of the petitioner for grant of bail was rejected earlier considering the stringent provisions of Section 37 of N.D.P.S. Act, 1985 as also considering the fact that commercial quantity of contraband item was recovered from the dicky of the car, in which the petitioner was sitting. This Court finds that there has been no change in circumstance from the day the prayer of the petitioner for grant of bail was



rejected earlier on 29.01.2021, till date, hence I do not find any occasion to reconsider the prayer of the petitioner for grant of bail, thus the present petition stands dismissed.

(Mohit Kumar Shah, J)

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