

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34020 of 2020

Arising Out of PS. Case No.-13 Year-2018 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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MUNNA SAH S/o Surendra Prasad Sah Resident of Village-Agiyawan, P.S.-
Agiyawan, District-Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar through Economic Offence Unit, Bihar, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar

For the Opposite Party/s : Smt. Soni Srivastava

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 05-01-2021 Heard learned counsel for the parties.

This application for regular bail in Sessions Trial No. 114 of 2018, arises out of Economic Offence P.S. Case No. 13 of 2018, disclosing the offence punishable under Sections 8/20(b)(ii)(cc)/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the NDPS Act).

It is the case of the prosecution, as disclosed in the written report of a Sub-Inspector of Police, Economic Offence Unit, Bihar, Patna that on the basis of a secret information regarding illegal trade of *Ganja*, a raid was conducted leading to seizure of a vehicle carrying 55.5 kg of *Ganja* in 40 packets. The petitioner was present in the vehicle and was apprehended on the spot. The driver of the vehicle and this petitioner (a co-



driver) are said to have disclosed to the police that they indulged in illicit trade of *Ganja*.

Learned counsel appearing on behalf of the petitioner has submitted that merely because of the petitioner's presence in the vehicle he has been implicated in the case and not even a *prima facie* case under the provisions of the NDPS Act is made out against him.

The submission made on behalf of the petitioner is not at all convincing. The quantity recovered by the police is much more than the commercial quantity. In view of the restrictions put under Section 37 of the NDPS Act, in my opinion, no case for grant of regular bail is made out.

This application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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