

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35253 of 2020

Arising Out of PS. Case No.-28 Year-2020 Thana- BAUNSI District- Banka

Sujit Kumar, son of Devan Yadav @ Devo Yadav resident of Village - Adriya,
Police Station- Maralya (Parbatta), District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Syed Masleh Uddin Ashraf, Advocate
For the Opposite Party/s : Mr. Akshya Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 03-02-2021 Heard Mr. S. M. Ashraf, learned Counsel for the

petitioner and Mr. Akshya Lal Pandit, learned Additional Public

Prosecutor for the State.

This application, for grant of regular bail, arises out
of Special Case No.02 of 2020 arising out of Baunsi Police
Station Case No. 28 of 2020, disclosing offences under Sections
20(b) (II)(C)/22/23 of the Narcotic Drugs and Psychotropic
Substances Act.

The allegation, as per the First Information Report
is that police intercepted a Sumo vehicle bearing Registration
No.BR-10PA-7815, which was being driven by the petitioner
and recovered a total quantity of 120.06 kg of *Ganja* from the
system box of the said vehicle.

Learned counsel for the petitioner submits that the



petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case merely on the basis of the fact that he happens to be the driver of the vehicle from where *Ganja* has been recovered. Learned counsel next submits that materials seized from the vehicle has been declared as *Ganja* by the Inspector of Police, who is not competent to ascertain as to whether seized article is *Ganja* or not and it can only be ascertained through forensic examination of the seized article. Learned counsel next submits that the *Ganja* is not a psychotropic substance and the same is narcotic drugs, as such Section 23 of NDPS Act is not attracted against the petitioner. Learned counsel next submits that the petitioner is in custody since 01.02.2020 having no criminal antecedent.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that huge quantity of *Ganja* has been recovered from the possession of the petitioner, I am not inclined to grant regular bail to the petitioner and the same is hereby rejected.

(Anil Kumar Sinha, J)

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