

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37880 of 2020

Arising Out of PS. Case No.-233 Year-2020 Thana- BRAHMPUR District- Buxar

Ramesh Singh, Son of Late Jayanit Singh, Resident of Village- Arak, P.S.-
Krishna Brahmpur, Distt- Buxar, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 02-03-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Brahmpur Chakki P.S. Case No.233 of 2020 for the offence
punishable under Sections 20(B)(ii)(C) of the NDPS Act, which
is pending in the court of learned Additional District Judge-VI,
Buxar.

There is alleged recovery of 20 Kgs. *Ganja* from the
petitioner.

Counsel for the petitioner submits that in the FIR, the
allegation is “about 20 Kgs.”. Such allegation would not attract
the consequences of commercial quantity, as the prosecution
itself is not sure that the *Ganja* is 20 Kgs. or some more. Further
submission is regarding non-compliance of the mandatory



procedure under Section 50 of the NDPS Act. The petitioner continues to be in custody since 15.05.2020.

Learned APP draws attention of the Court towards the seizure memo wherein the quantity of recovered *Ganja* has been shown as 20 Kgs. Referring to Section 37 of the NDPS Act, it is submitted that the petitioner, in view of the quantity of recovery, is not entitled to bail.

Considering the rival submissions, this Court, for the present, is not inclined to allow the prayer for bail. The same is rejected.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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