

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38107 of 2020

Arising Out of PS. Case No.-184 Year-2020 Thana- BUXAR District- Buxar

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BRIJ PAL Son of Rajole Resident of L/1339, Street No. 07, Sangam Bihar
Devali, P.S.- Namasaray South Delhi, Pin Code- 110062.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 08-02-2021 Heard Mr. Dharendra Kumar Sinha, learned counsel

for the petitioner and Mr. Nawal Kishore Prasad, Additional

Public Prosecutor for the State.

2. Petitioner seeks regular bail in connection with
NDPS Case No. 08/2019 arising out of Buxar (Town) PS Case
No. 184/2020 registered for the offence punishable under
Sections 20(b)(ii), 22, 27(A), 29 of the NDPS Act and Section
51 of the Disaster Management Act.

3. The allegation, as per First Information Report, is
that a Hyundai Car being driven by the petitioner was
intercepted by the police and a total quantity of 27 Kilograms of
Ganja like substance has been recovered from the dickey of the
said car.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case and there is no
conclusive finding that the said Ganja like substance was
recovered from the possession of the petitioner. Learned counsel



next submits that from perusal of the FIR and final form, i.e., charge-sheet, it would be evident that Ganja like substance has, allegedly, been recovered from the dicky of the car and FSL report has not yet been submitted. Learned counsel referring to an order of Punjab and Haryana High Court, at Chandigarh as reported in the case of ***Gurpal Singh & Anr v. State of Punjab*** in ***CRR 791 of 2016***, submits that on the similar facts, Punjab and Haryana High Court has granted bail to the accused on the ground that FSL report was not submitted with the final form/*challan*.

5. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that 27 Kilogram of Ganja has been recovered from the car being driven by the petitioner and after investigation charge-sheet has been submitted and the quantity of Ganja is in commercial quantity and there is no reason before this Court to believe that the petitioner has not committed the offence, I am not inclined to grant regular bail to the petitioner. The same is, hereby, rejected.

(Anil Kumar Sinha, J)

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