

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5864 of 2021**

Arising Out of PS. Case No.-3 Year-2018 Thana- DHOLBAJJA District- Bhagalpur

Sanjay Bhagat @ Anil Kumar Jaiswal, Son Of Late Sagar Prasad Jaiswal, R/O
- Ward No.8, Chandrasuri Tola, Bhatgama, P.S.- Chausa, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Thakur, Advocate

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

8 12-08-2021 The matter has been taken up today for consideration
through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Dholbajja
(Kadwa) P.S. Case No.03 of 2018 (N.D.P.S. Case No.1 of 2018)
registered for the offence punishable under Section 20/22 of the
N.D.P.S. Act (hereinafter referred to as “the Act”), which is
pending in the court of learned Special Judge (POCSO)-Cum-8th
Additional District and Sessions Judge, Bhagalpur.



On a secret information regarding transportation of huge quantity of contraband substance by the petitioner along with two others, the police official has written down the information and proceeded to verify the same. A Tata Sumo vehicle has been chased and thereafter the persons travelling in the vehicle fled away. Altogether 91 Kgs. *Ganja* has been seized from the vehicle in question.

It is submitted by the petitioner's counsel that even as per the prosecution case, the petitioner was not present at the time and place of recovery. He had also no knowledge about the Driver transporting such contraband substance, if at all. He is in custody since 22.01.2020.

Learned APP for the State has assisted the Court with reference to the case diary. He submitted that the police official had information regarding the petitioner along with two others transporting the contraband substance. Information in this regard was written down before he proceeded. In investigation, the CCTV footage of petitioner has been considered and prior to the recovery, petitioner was identified as being seated in the vehicle from which recovery has been made. Therefore, he cannot escape his liability. Relying upon the bar under Section 37 of the Act, having regard to the recovery, which is much



more than the commercial quantity, prayer for bail is opposed.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the learned APP. Prayer is rejected, for the present.

This Court, however, would observe that in view of the bar to grant of bail under Section 37 of the NDPS Act, and requirement for expeditious trial in terms of the Act, the court concerned shall expedite the trial without any undue adjournments or unnecessary delay.

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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