

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7817 of 2021

Arising Out of PS. Case No.-104 Year-2019 Thana- PANDAUL District- Madhubani

1. RAM BABU SAH Son of Late Bhannu Sah @ Bhallu Sah Resident of village - Pandaul, Karpuri Chauk, P.S. Pandaul, District - Madhubani.
2. ANJIT KUMAR SAH @ AJIT KUMAR SAH Son of Sri Ram Babu Sah Resident of village - Pandaul, Karpuri Chauk, P.S. Pandaul, District - Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravish Kumar, Advocate
For the Opposite Party/s : Ms. Sucheta Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 16-04-2021 Heard Mr. Ravish Kumar, learned counsel for the petitioners and Ms. Sucheta Yadav, learned APP for the State through video conferencing.

Petitioners seek regular bail in connection with Pandaul P.S.Case No.104 of 2019 bearing G.R.No.15 of 2019 registered for the offence under Sections 20 and 22 of the N.D.P.S. Act.

The allegation as per the First Information Report is that the police raided the house of the petitioners and total quantity of 26.500 kg. of ganja has been recovered from a room in the house of the petitioners.

Learned counsel for the petitioners submits that both the petitioners are father and son and they have not committed any offence in the manner alleged. Learned counsel further



submits that the procedure for search and seizure has not been followed and while preparing the seizure list, signature of witnesses from other village has been taken and not from the independent witnesses of the same village. Learned counsel next submits that the seizure list was prepared much before lodging of the FIR which creates doubt in the prosecution story and while submitting Challan/charge-sheet, chemical report regarding seized article has not been submitted and even the charges have been framed without any chemical analysis report. Learned counsel next submits that the petitioners are in custody since 26.05.2019.

Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that huge quantity, i.e., commercial quantity of ganja has been recovered from the house of the petitioners, I am not inclined to grant regular bail to the petitioners. Accordingly, the prayer for bail of the petitioners is rejected at this stage.

The petitioners may renew their prayer for bail after one year from today, if the trial does not record any progress.

(Anil Kumar Sinha, J)

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