

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9132 of 2021

Arising Out of PS. Case No.-654 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

MOTI RAM Son of Late Shivkumar Ram Resident of Village - New Basti,
P.S.- Durgawati, District - Kaimur at Bhabua

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate
For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 02-08-2021

In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

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

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

Petitioner seeks bail in NDPS Case No. 35 of 2020 arising out of Bhabua (Sonhan) PS Case No. 654 of 2020 registered under Sections 8(C), 20(b)(ii)(B), 22 and 27(A) of the NDPS Act.

The house of one Kamlesh Prasad Keshari has been raided in course of which 2 Kilograms of Ganja has been recovered. He has stated to have procured the same from the petitioner. Petitioner's house thereafter was raided leading to recovery of 93.100 Kilograms of Ganja.

It is submitted by learned Counsel for the petitioner that co-accused Madan Singh and Haldhar Singh have stored Ganja in his house. He is a poor person and therefore he could not resist the same. He has become victim of the circumstances and is in custody since 4.10.2020. Submission is that he is having clean antecedent also.



Learned APP has assisted the Court with reference to the case diary. Apart from 93.100 Kilograms Ganja, there is recovery of 2,83,000/- rupees cash as well as weighing instrument. He submits that the recovery is clearly indicative of petitioner's dealing in the contraband substance. Apart from the fact that he was dealing in the substance a huge, and much more than commercial quantity, has been recovered. He refers to the bar on bail under Section 37 of the NDPS Act.

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

The prayer for bail is rejected.

The trial court is expected to proceed expeditiously with the trial for concluding the same without unnecessary adjournment or undue delay.

(Madhuresh Prasad, J)

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