

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9373 of 2021

Arising Out of PS. Case No.-113 Year-2020 Thana- KANHAULI District- Sitamarhi

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1. JALANDHAR KUMAR @ JALANDHAR SAH S/O SH. LAXMI SAH R/O VILLAGE-PAKARIYA, P.S.-SONBARSA, DISTRICT-SITAMARHI.
 2. MD. RIJWAN @ RIJWAN @ MD. RIZWAN S/O LATE SAFDAR @ LATE MD. SAFDAR @ LATE MD. SAPHDAR R/O VILLAGE-PIPRA PARSAIN @ PIPRA PAR, P.S-AHIYAPUR, DISTRICT-SITAMARHI.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR
2. THE UNION OF INDIA THROUGH S.P. SITAMARHI. SITAMARHI.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-04-2021 Heard Mr. Santosh Kumar, learned counsel for the petitioners and Mr. Shyameshwar Dayal, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners seek regular bail in connection with Kanhauli P.S. Case No. 113 of 2020 registered for the offences punishable under Section(s) 8 and 20(B)(ii)/A of Narcotic Drugs and Psychotropic Substance Act.

The allegation as per the First Information Report is that SSB personnel intercepted a Motorcycle driven by the petitioner along with another petitioner who was pillion rider



and recovered 5 kg. of *Ganja* along with *Nepali* Currency from possession of the petitioners.

Learned counsel for the petitioners submits that the petitioners have got no criminal antecedents and they have falsely been implicated in this case by the Police with oblique motive. Learned counsel further submits that 5 kg. *Ganja* is less than the commercial quantity and the petitioners are in custody since 17.10.2020.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that 5 kg. of *Ganja* has been recovered from possession of the petitioners which is more than the small quantity and less than the commercial quantity, I am not inclined to grant regular bail to the petitioners at this stage.

Accordingly, the prayer for bail of the petitioners stands rejected.

However, the petitioner may renew his prayer for bail after one year if the trial does not show any progress.

(Anil Kumar Sinha, J)

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