

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8570 of 2021

Arising Out of PS. Case No.-322 Year-2020 Thana- KISHANGANJ District- Kishanganj

AKBAR ALI SON OF YUNUS ALISA, VILLAGE- TARAI KHANA, P.S.-
DEEN HATA, DISTRICT- KUCH BIHAR (WEST BENGAL)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Madan Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 09-08-2021 Heard the parties in virtual Court proceeding.

The petitioner is languishing in custody for the offences punishable under Sections 20(b)(3), 22(3), 23(3), 27 of the N.D.P.S. Act.

More than 115 kilogram of *Ganja* was recovered from a four wheeler and the petitioner was also sitting on that.

Submission is that the petitioner has no concern with the said *Ganja* nor had knowledge that *Ganja* was being carried in that vehicle. Moreover, there is serious discrepancy in search and seizure which would be evident from the fact that seizure was made in between 3:45 A.M. to 5:00 A.M. whereas the person who has measured claimed that he reached at the police station in between 10:00 A.M. to 10:15 A.M. Therefore, it is highly doubtful as to how measurement of the seized narcotics



is mentioned in the seizure list.

At this stage, there is sufficient material against the petitioner, involvement in carriage of narcotics, hence, I am not inclined to enlarge the petitioner on bail. Prayer for bail is refused in connection with Kishanganj P.S. Case No. 322 of 2020 arising out of Special Case No. 09 of 2020 pending in the court of learned Sessions Judge-cum-Judge of Special Court (NDPS Act), Kishanganj.

The learned trial court is directed to expedite the trial.

(Birendra Kumar, J)

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