

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2910 of 2022

Arising Out of PS. Case No.-102 Year-2021 Thana- DANIYAWAN District- Patna

Sanjeev Kumar Son of Devendra Yadav Resident of Mohalla- Habipura
(Wrongly Written Sohسرائي), P.S.- Sohسرائي, District- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Union of India, Ministry of Home Affairs, Narcotics Control Bureau, Patna
Zonal Unit, Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranvijay Singh, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 05-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Daniyanwa P.S. Case No. 102 of 2021 registered for the offence
under Sections 22(b), 25 and 29 of the NDPS Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 08.08.2021.

The allegation against the petitioner is to have in
possession of contraband i.e., 'Brown Sugar', where a total of
400 gms of 'Brown Sugar' was recovered from the back seat of



a vehicle, where petitioner is the driver of the vehicle.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of contraband was not made from the conscious physical possession of the petitioner, as it appears that recovery was made from the back seat of the vehicle, where petitioner was the driver. It is submitted that the alleged vehicle was jointly occupied by other co-accused persons also. It is further submitted that compliance of Section 42 and 50 of the NDPS Act was not made in the present case. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, submitted that alleged recovery of contraband i.e., 'Brown Sugar' is of commercial quantity, where law put a restriction, as provisioned u/s 37 of the NDPS Act.

A report of Trial Court dated 21.07.2022 through Letter no. 52 suggests that the trial is under progress.

In view of the facts and circumstances, as mentioned above, as recovery of alleged contraband i.e., 'Brown Sugar' was of commercial quantity coupled with the fact that trial has



already been commenced, this Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected herewith.

Trial Court is directed to conclude the trial within a period of four months from the date of receipt of this order, by taking the matter on board, on day to day basis, failing which, petitioner shall be at liberty to renew his prayer of bail, if so advised.

Senior Superintendent of Police, Patna is directed to produce the chargesheeted witnesses, as and when directed by the Trial Court, so as to conclude the trial within the aforesaid time period, as directed above.

(Chandra Shekhar Jha, J)

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