

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4540 of 2022

Arising Out of PS. Case No.-281 Year-2021 Thana- BAISI District- Purnia

1. Zakir Hussain Son of Meharuddin Resident of Village - Golena Bahari, P.s.- Shital Kochi , Distt.- Kuch Bihar, West Bengal.
2. Jaminar Ali Son of Hasan Ali Resident of Village - Chhoti Madhusudan, P.s.- Shital Kochi , Distt.- Kuch Bihar, West Bengal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Advocate
For the Opposite Party/s : Mr.Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 09-09-2022 Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State through virtual Court proceedings.

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

The petitioners seek bail in connection with Baisi P.S. Case No. 281 of 2021 registered for the offence under Sections 8, 20 (b) (ii) C and 25 of the N.D.P.S. Act.

The accused/petitioners are named in the F.I.R. and are in custody since 25.09.2021.

The allegation against the petitioners is to have in possession of 43.5 kg of contraband i.e. Ganja, along with other



co-accused persons.

Learned counsel appearing on behalf of the petitioners submitted that the alleged vehicle was jointly occupied from where recovery of Ganja was made. It is submitted that as Ganja was recovered from under seat of the vehicle, it cannot be said that same was recovered from conscious physical possession. It is further submitted that compliance of Sections 42 and 50 of N.D.P.S. Act was not made in present case. While concluding the argument, it has been submitted that petitioners are men of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, submitted that the alleged recovered contraband i.e. Ganja is of commercial quantity where, Section 37 of N.D.P.S. Act put a barrier.

Considering the facts and circumstances as mentioned above, as alleged recovery of contraband i.e. Ganja was made from physical possession of these petitioners, which is of commercial quantity, the prayer of bail of both above named petitioners is rejected herewith.

The Trial Court is directed to conclude the trial within



nine months from the date of receipt of this order, by taking this matter on board on day to day basis, for expeditious disposal of trial.

Superintendent of Police, Purnia is directed to produce the charge-sheeted witnesses, as and when directed by the trial Court, so as to conclude the trial within aforesaid time period, as directed.

(Chandra Shekhar Jha, J)

pooja/-

U		T	
---	--	---	--

