

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4848 of 2022

Arising Out of PS. Case No.-177 Year-2021 Thana- GAIGHAT District- Muzaffarpur

Sri Bhagwan Kunwar S/o Late Ramdeo Kunwar R/o village- Manipur
Bhusara, P.S.- Gaighat, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Advocate
For the State : Ms. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 14-11-2022 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 Gaighat
P.S. Case No. 177 of 2021 registered for the offence under
Sections 8 and 20(B)(I) of the N.D.P.S. Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 19.05.2021.

The allegation against the petitioner is to cultivate
cannabis plant, weighing about five quintals in total, after
uprooting.

Learned counsel appearing on behalf of the petitioner
submitted that F.I.R. in the present case was lodged after



preparation of seizure list, which is sufficient to indicate that recovered contraband was not weighed by police team on the spot. It is submitted that compliance of Sections 42 and 50 of N.D.P.S. Act were also not made in the present case. It is further submitted that the alleged field is jointly owned and the growing of cannabis plant was as weed and can not be said to be cultivated purposely. 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 the recovered quantity is five quintals, which is commercial quantity, where Section 37 of the N.D.P.S. Act put a barrier. It is further submitted that CFSL report further confirmed that harvested plant is cannabis.

In view of the facts and circumstances, as mentioned above, as petitioner was found involved in cultivation of cannabis plant, where recovery is of five quintals, which is more than commercial quantity, this Court is not inclined to grant bail to the petitioner, for the present.



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

However, learned Trial Court is directed to conclude the trial within a period of six (06) months from the date of receipt of this order, by taking the matter on board on day to day basis, if required, failing which petitioner shall be at liberty to approach this Court, for renewal of bail prayer.

Senior Superintendent of Police, Muzaffarpur is directed to ensure the presence of chargesheeted witnesses, as and when directed by the learned Trial Court, so as trial may conclude within specified period of time, as directed above.

(Chandra Shekhar Jha, J)

Ankit/-

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

