

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7906 of 2022

Arising Out of PS. Case No.-87 Year-2020 Thana- SANJHOLI District- Rohtas

=====

Laxman Singh @ Laxuman Singh, Son of Kamta Singh @ Kamta Prasad Singh, Resident of Village - Amaithi, P.S.- Sanjhaul, Distt.- Rohtas.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

with
CRIMINAL MISCELLANEOUS No. 15521 of 2022

Arising Out of PS. Case No.-87 Year-2020 Thana- SANJHOLI District- Rohtas

=====

Muni Lal Singh @ Ramesh Kumar Singh, S/O Kamta Prasad Singh, R/o village- Amaithi, P.S.- Sanjhaul, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

(In CRIMINAL MISCELLANEOUS No. 7906 of 2022)

For the Petitioner/s : Mr.Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

(In CRIMINAL MISCELLANEOUS No. 15521 of 2022)

For the Petitioner/s : Mr.Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Mrs.Madhuri Lata, APP

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 14-12-2022 Since both the applications arise out of N.D.P.S. Case No. 09 of 2020, arising out of Sanjhaul P.S. Case No. 87 of 2020, as such, they have been taken up together and are being disposed of by this common order.

Heard learned counsel for the petitioners and learned APP for the State.



Let the defect (s), as pointed out by the office, be removed within a period of four weeks from today.

In the present case, the petitioners seek bail in connection with N.D.P.S. Case No.09 of 2020, arising out of Sanjhauli P.S. Case No. 87 of 2020, registered for the alleged offence under Sections 8, 20 (B) (ii) (c)/ 22/25 of N.D.P.S Act.

As per prosecution case, recovery of 38.200 K.G. of *ganja* was made from the backyard of the house of the petitioners.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Nothing incriminating has been recovered from the conscious possession of the petitioners. It is clear from the perusal of seizure list that recovery has been made from an open place behind the house of the petitioners. Except for the allegation that the petitioners were seen throwing away some packets, there is nothing against the petitioners on record. There is no independent witness to this seizure. All the witnesses of the seizure list are members of the raiding party. There is no compliance of Section 100 of the Cr.P.C. The petitioners are in custody since 27.07.2021 and 25.07.2021, respectively. The learned counsel further submits that out of nine charge sheet



witnesses, only five have been examined in this case

Learned APP opposes the prayer for bail submitting that recovery of commercial quantity of *ganja* was made from the conscious possession of the petitioners. There is specific allegation that the petitioners were seen throwing away the packets of the *ganja* from their roof and the recovery has been made from the backyard of their house and the petitioners fled away from the spot taking advantage of darkness nearby the houses.

Having regard to the facts and circumstances and submissions made herein above and considering the recovery of commercial quantity of contraband, I am not inclined to enlarge the petitioners on bail at this stage.

Accordingly, their prayer for grant of bail is rejected.

Since the trial is at an advance stage, the learned trial court is directed to take expeditious steps of early conclusion of the trial and conclude the same preferably within six months.

In case the trial is not concluded within the stipulated period, the petitioners may renew their prayer for bail.

(Arun Kumar Jha, J)

V.K.Pandey/-

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

