

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7523 of 2022

Arising Out of PS. Case No.-297 Year-2021 Thana- PUPRI District- Sitamarhi

=====

BILTU MAHTO Son of Late Ram Kishore Mahto Resident of Village -
Birpur, P.S. - Sursand, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar, Advocate

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 17-10-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel 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 Pupri P.S.
Case No. 297 of 2021 registered for the offence under Sections
414 of the Indian Penal Code and 8 and 20(b)(ii)(c) of the
N.D.P.S. Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 27.08.2021.

The allegation against the petitioner is to have in
possession of contraband i.e. Ganja total of 40 Kg. along with
one stolen motorcycle.

Learned counsel appearing on behalf of the petitioner



submitted that that petitioner has falsely been implicated in this case, being owner-cum-driver of the alleged truck but it was not surfaced during the course of investigation that he was under knowledge of carrying alleged 'Ganja'. It is further submitted that alleged stolen motorcycle belongs to one Jai Kishun Sah, who in good faith was given a lift for a local destination as his motorcycle developed some mechanical problem. It is also submitted that compliance of Section 42 and 50 of N.D.P.S. Act was not made in the present case, where seizure list is also not supported by independent witnesses rather by police personnels. While concluding the argument, it is submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, while opposing the prayer of bail, submitted that recovered quantity is more than commercial quantity, where Section 37 of the N.D.P.S. Act put a barrier.

In view of the facts and circumstances as mentioned above, as recovered contraband i.e. Ganja is of more than commercial quantity and also by taking a guiding note of Section 37 of the N.D.P.S. Act, this Court is not inclined to grant privilege of bail to the petitioner, at present.



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

The learned Trial Court is directed to conclude the trial, preferably, within a period of 09 (nine) months from the date of receipt of this order, by taking matter on board, on day-to-day basis, if required.

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

(Chandra Shekhar Jha, J)

R.S.Sen/-

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

