

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8067 of 2022

Arising Out of PS. Case No.-459 Year-2021 Thana- BIDUPUR District- Vaishali

=====

Brahmdeo Singh @ Brahamadeo Singh S/o Late Rameshwar Singh, Resident
of Village and P.O.- Bhairapur, P.S.- Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s :	Mr. Dhananjay Kumar Singh, Advocate
	Mr. Samrendra Kumar Jha, Advocate
	Mr. Anand Prakash, Advocate
	Mr. Sudama Kumar, Advocate
For the Opposite Party/s :	Md. Fahumuddin, APP

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

6 19-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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

In the present case, the petitioner seeks bail in
connection with Bidupur P.S. Case No. 459 of 2021 registered
for the alleged offences under Sections 20(b)(ii)(c), 23(a), 29 of
the Narcotic Drugs and Psychotropic Substances Act and
Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, the police received secret
information about the petitioner and his co-accused son storing
huge quantity of India made foreign liquor and *Ganja* in his



house and a raid was conducted on the house of the petitioner. The petitioner was apprehended while he tried to escape from the spot and from a semi constructed house inside the boundary wall of the house of petitioner, recovery of 891 liters of India made foreign liquor and 42.305 kg of *Ganja* were made.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the conscious possession of this petitioner. No chemical examination was done to ascertain whether the seized contraband was *Ganja*. The seizure list has not been prepared in terms of Section 100(4) of the Cr.P.C. Learned counsel further submits that the seizure is suspicious as the seizure list does not contain the signature of petitioner, if the petitioner was apprehended from the spot and search and seizure was made in his presence. The recovery has been made from a joint premises and from a half built house which is an abandoned structure and easily accessible to any one. The petitioner is in custody since 19.09.2021 and charge-sheet has been submitted. The petitioner has got no criminal history.

Learned APP for the State opposes the prayer for bail submitting that huge recovery of *Ganja* has been made from the



house of the petitioner, apart from large quantity of illicit liquor.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the recovery of 42.305 kg of *Ganja* and 891 liters of illicit liquor from the house of the petitioner and also considering the gravity of allegation, I am not inclined to grant bail to the petitioner. Hence, his prayer for bail is rejected.

However, the learned trial court is directed to expedite the trial and conclude the same preferably within a period of one year.

(Arun Kumar Jha, J)

Ashish/-

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

