

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10588 of 2022

Arising Out of PS. Case No.-354 Year-2021 Thana- SAHEBGANJ District- Muzaffarpur

RAM EKBAL RAI Son of Latge Daroga Rai Resident of Village- Kadhan
Bairiya, P.S.- Keshariya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pramod Kumar Pandey Mr. Niranjan Kumar Mr. Kumar Kishan Mr. Avinash Raushan Singh Adv.
For the Opposite Party/s :		Mr.Rana Randhir Singh

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 08-08-2022 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

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

The petitioner has preferred this application for grant of regular bail in a case registered u/s 20 and 22 of the N.D.P.S. Act.

As per the prosecution case, during the course of patrolling, the police saw a car coming from the opposite direction at a high speed and a signal was given to stop the vehicle but two miscreants got down from the car and managed



to escape who were identified by a local chowkidar as Ram Ekbal and Vikash Kumar. On search, three packets of *Ganja* weighing 30 kgs were recovered from the dickey of the said car

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case on suspicion. The petitioner has clean antecedent as stated at para 3 of the bail petition. Charge-sheet has already been submitted against the petitioner. The petitioner is languishing in jail custody since 25.07.2021.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the petitioner along with co-accused person deals in *Ganja* and the seized *Ganja* is commercial quantity. The learned A.P.P. for the State has further submitted that the Hon'ble Supreme Court in the case of *Narcotics Control Bureau v. Mohit Aggarwal 2022 SCC OnLine SC 891* has held that “*The length of the period of his custody or the fact that the charge-sheet has been filed and the trial has commenced are by themselves not considerations that can be treated as persuasive grounds for granting relief to the respondent under Section 37 of the N.D.P.S. Act.*”

Considering the aforesaid facts and circumstances, as well as the recovered *Ganja* is commercial quantity, I am not



inclined to enlarge the petitioner, above named, on bail.

Learned trial Court is directed to expedite the trial and
conclude the same preferably within six months.

This application is rejected.

(Chandra Prakash Singh, J)

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