

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10341 of 2022

Arising Out of PS. Case No.-231 Year-2021 Thana- AMBA District- Aurangabad

1. Ali Raja Alam Son of Ahamad Husan Resident of Village - Bajaraha, Ward No.15, P.s.- Derni, Distt.- Saran, Pin- 841222
2. Bitu Kumar Sharma Sonof Gauri Sharma Resident of Village - Derni Ward no.9, P.s.- Derni, Distt.- Saran, Pin- 841222

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Krishna, Advocate

For the Opposite Party/s : Mr. Binod Kumar, A.P.P

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

5 28-09-2022 Heard learned counsel for the petitioners and learned A.P.P. for the State.

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

The petitioners seek bail in connection with Amba P.S. Case No. 231 of 2021 registered for the offences punishable under Sections 8, 20(b)(ii)C, 25 and 29 of the Narcotic Drugs and Psychotropic Substance Act, 1985.

As per the prosecution case, on 28.12.2021, the informant got secret information about illegal huge quantity of cannabis (*Ganja*) carrying in a pick-up van bearing Registration No. CG-25C-9072 is coming in the way of Chattisgarh *via*



Aurangabad, informant along with the police personnel reached near Dostana hotel, N.H.-139 and the police team tried to stopped the said pick-up van but the driver tried to flee away with van and two persons were caught and during the course of investigation, they disclosed their names as Ali Raja Alam and Bitu Kumar Sharma (petitioners) and on search, they recovered 323.55 Kg illegal *Ganja* from the said vehicle.

Learned counsel for the petitioners submits that the petitioners are innocent and have not committed any offence. It is further submitted that the petitioners have no concern with the recovered articles. Petitioners are getting off from another vehicle to take breakfast at Dostana Hotel at N.H. 139 and the police came there and arrested them from the said Hotel. Further, it is submitted that there is no independent witness of seizure list or not any video footage of the occurrence/checking of the said vehicle. It is submitted that the petitioners are in custody since 29.12.2021 and petitioner no. 1 has a criminal antecedent of one case and petitioner no. 2 has no criminal antecedent and charge-sheet has been submitted in the case.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners and submits that the petitioners were arrested at the spot who are driver and co-driver of the said



vehicle and recovery of Ganja is 323.55 Kg which is a commercial quantity.

Considering the facts and circumstances of this case, I am not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail is rejected.

However, the learned trial court shall conclude the trial within a period of nine months. If the trial is not concluded within nine months, the petitioners will be at liberty to renew their prayer for bail after nine months.

(Khatim Reza, J)

Gaurav Kumar/-

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