

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11625 of 2022

Arising Out of PS. Case No.-520 Year-2020 Thana- KISHANGANJ District- Kishanganj

Md. Afak Son Of Md. Rijabul @ Md. Rajal R/O - Rangpura Mirmilik
Mushahari, P.S.- Mirganj, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh

For the Opposite Party/s : Mr.Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Kishanganj P.S. Case No. 520 of 2020
registered for the alleged offences under Sections 420, 414,
120(B) of the Indian Penal Code and Sections 20(b)(3), 22(3),
23(3) and 27 of the Narcotic Drugs and Psychotropic
Substances Act, 1985.

The prosecution case against the petitioner is that
from the vehicle, in which he has been working as cleaner, as
61.700 kg of *ganja* was recovered and the petitioner along with
co-accused driver were apprehended.



The learned counsel for the petitioner submits that the petitioner has been arrested in this case merely on suspicion. The petitioner was not aware about *ganja* being carried in the vehicle as he took lift in the said vehicle. There has been no compliance of mandatory requirements under Section 42 of the Narcotic Drugs and Psychotropic Substances Act. No chemical test has been carried out to ascertain that the recovered material was *ganja*. Learned counsel for the petitioner further submits that one case is pending against the petitioner in which he is on bail. Charges have been framed and the case is running for evidence of prosecution. The petitioner is in custody since 25.12.2020.

Learned A.P.P. for the State has opposed the prayer of bail of the petitioner submitting that more than three times of commercial quantity of *ganja* has been recovered from the petitioner and the co-accused.

Having regard to the submissions made hereinabove and considering the recovery of commercial quantity of *ganja* from the petitioner and the co-accused, I am not inclined to enlarge petitioner on bail at this stage.

Accordingly, his prayer for grant of bail is rejected.

However, the petitioner may renew his prayer for bail



after 9 months, if the trial is not concluded by that time.
Meanwhile, the learned Trial Court is directed to expedite the
trial and complete the same within the aforesaid period.

(Arun Kumar Jha, J)

Gautam/Shobha

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