

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23003 of 2022

Arising Out of PS. Case No.-24 Year-2021 Thana- JANDAHA District- Vaishali

AAMARNATH RAI Son of Late Muneshwar Rai Resident of Village
Kutubpur, Police Station Biddupur, District - Vaishali at Hazipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 02-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State
through virtual court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Jandaha
P.S. Case No. 24 of 2021 registered for the offence under
Sections 8/20(b)(ii)(c), 24, 25 and 29 of the Narcotic Drugs and
Psychotropic Substance Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 18.09.2021.

The allegation against the petitioner is to have in
possession of huge quantity of contraband i.e. 'Ganja', which is
about 800.100 Kg.

Learned counsel appearing on behalf of the petitioner



submitted that, as seizure list is not bearing the signature of petitioner, is sufficient to gather that recovery of contraband i.e. 'Ganja' was not made from conscious physical possession of the petitioner. It is submitted that the land, where alleged truck was parked, belongs to father-in-law of the petitioner, and merely on the basis of suspicion, the petitioner was apprehended with present consignment of contraband i.e. 'Ganja'. It is further submitted that compliance of Section 50 of N.D.P.S. Act was not made in the present case. It is also submitted that the sample was not collected from each and every bags, where charge-sheet has been submitted without obtaining chemical/forensic report of the seized contraband i.e. Ganja. While concluding the argument, it has been submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, submitted that there is recovery of huge quantity of contraband i.e. Ganja, which is much more than prescribed commercial quantity i.e. 20 Kg, where recovered quantity is 800.100 Kg. It is submitted that quantity in itself implies that petitioner deals in business of narcotic drugs. It is further submitted that Section 37 of the N.D.P.S. Act put a bar, while dealing with bail petition,



where quantity of contraband is commercial.

In view of the facts and circumstances as mentioned above, as quantity of contraband i.e. 'Ganja' is much above the prescribed commercial quantity i.e. total of 800.100 Kg. 'Ganja', having sufficient material to connect petitioner, *prima facie*, with alleged recovery, 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 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.

The Superintendent of Police, Vaishali at Hazipur, is directed to produce the charge-sheeted witnesses, as and when directed by the trial court, so as to conclude the trial within stipulated time period, as directed above.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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