

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22501 of 2022

Arising Out of PS. Case No.-349 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

Dharmendra Yadav S/o Late Badri Yadav R/o village- Daleya, P.S.-
Kuchaikot, District- Gopalganj

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate.

For the Opposite Party/s : Mr.Umanath Mishra, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 21-07-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

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

Petitioner seeks regular bail in connection with
Kuchaikot P.S. Case No. 349 of 2021 registered for the offences
under Sections 20, 22, 24, 25, 29 of the N.D.P.S. Act.

Acting on a secret information the police party raided
the petitioner's house and on search thirteen packets containing
Narcotic material was recovered and after weighing the said
packets total of 134.5 k.g narcotic material suspected to be ganja
was found.

The main submissions advanced by learned counsel for
the petitioner are that the alleged contraband was only suspected



as Ganja and without obtaining the report of the FSL of the contraband the police submitted the charge-sheet, the petitioner has been languishing in jail since 20.08.2021 and the search and seizure which is stated to have been made in the house of petitioner was not made in a legal manner and the same was completely illegal and against the provisions of NDPS Act, 1985.

Learned APP appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the seizure memo of alleged contraband attached to the FIR. The present case relates to the recovery of 134.5 kg narcotic material suspected to be Ganja and the said recovery was allegedly made from the house of the petitioner in the presence of independent witnesses and Circle Officer as appears from the FIR. As per prosecution the samples taken from the seized contraband have been sent for chemical examination and the report is awaited. Considering the recovery of heavy quantity of contraband that comes under commercial quantity, in my view the petitioner does not deserve to bail. Accordingly, his bail prayer stands rejected.

(Shailendra Singh, J)

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