

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34752 of 2021

Arising Out of PS. Case No.-8 Year-2021 Thana- GHORASAHAN District- East Champaran

WAKIL KUMAR @ WAKIL RAI S/O RANGILA @ RANGI LAL RAY R/o
village- Balua, Reganiaya, P.S.- Jitna, District- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manjeet Kumar Mishra

For the Opposite Party/s : Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 21-03-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Ghorasahan (Jitna) Police Station Case No. 08 of 2021,
registered for the offences punishable under Sections 20/22/24
of the Narcotic Drugs and Psychotropic Substances Act, 1985.

The prosecution case, as per the First Information
Report, is that 10.5 kgs. of ganja has been recovered from a
motorcycle, on which the petitioner was going along with one
co-accused person and when they were intercepted by the
police, one of the co-accused succeeded in fleeing away and the
petitioner was arrested along with the motorcycle.

Learned Counsel for the petitioner submits that the
petitioner has falsely been implicated in this case without



following the procedure for search and seizure prescribed under Sections 42 and 50 of the Narcotic Drugs and Psychotropic Substances Act, 1985. He further submits that from perusal of the First Information Report, it would be evident that the petitioner was intercepted while they were going on a motorcycle, but the seizure list has been prepared at the Police Station, which creates doubt over the prosecution version. He further submits that the petitioner is not the owner of the motorcycle in question and the ganja has been recovered from the motorcycle kept in two bags. He further submits that the petitioner is in custody since 05.01.2021, having no criminal antecedent.

Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that the petitioner was going on the motorcycle, from which huge quantity of ganja has been recovered and the petitioner was arrested at the spot and as such this Court is prima facie satisfied that the petitioner was in full knowledge that the contraband material has been kept on the motorcycle in two bags and since the quantity of ganja recovered is more than the small quantity and less than the commercial quantity, I am not inclined to grant regular bail to the petitioner, at this stage.



This application is, accordingly, dismissed.

However, the petitioner may renew his prayer for bail after one year from today, if the trial does not show any progress.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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