

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25986 of 2022**

Arising Out of PS. Case No.-98 Year-2022 Thana- DUMRAO District- Buxar

Jitendra Dhanuk, S/o Mahendra Mahto @ Mahendra Dhanuk, R/o village-
Kurdwa Tola, P.S.- Udawant Nagar, Distt.- Bhojpur (Ara)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

3 21-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

In the present case, the petitioner seeks bail in connection with Dumraon P.S. Case No. 98 of 2022 registered for the alleged offences under Sections 20 and 22(c) of the N.D.P.S. Act, 1985.

As per prosecution case, from a shoulder bag being carried by this petitioner, recovery of 9.2kg of *ganja* was made.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case nothing incriminating has been recovered from his conscious possession. Police has shown recovery of *ganja* from this petitioner while he was sitting on the motorcycle and the motorcycle was also seized but the said motorcycle does not belong to this petitioner. The police has not followed the procedure



under Sections 41, 42 and 50 of the N.D.P.S. Act, 1985. There is no independent witness to the search and seizure. The seized contraband is much less than the commercial quantity though it is above the small quantity. There is no report of Forensic Science Laboratory regarding the nature of the contraband on record so it could not be said with certainty that the seized article is *ganja*. The petitioner is a poor vegetable seller and is in custody since 26.02.2022 and charge sheet has been submitted. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail submitting that the petitioner was caught red-handed with 9 kg of *ganja*.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner was caught with 9.2kg of *ganja*, a psychotropic substance, in his possession, I am not inclined to grant bail to the petitioner. Hence, the prayer for bail is rejected.

However, the learned trial court is directed to expedite the trial and conclude the same preferably within a period of nine months.

(Arun Kumar Jha, J)

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