

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26408 of 2022**

Arising Out of PS. Case No.-159 Year-2021 Thana- INDUSTRIAL District- Bhagalpur

Md. Tahimad Alam @ Md. Tahmid Alam Son of Late Tauhid Alam Resident  
of Village - Vaipari Tola, Fatehpur, Police Station- Industrial Area, District -  
Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. N. K. Agarwal, (Sr. Adv.) with  
Mr. Md. Najmul Hodda, Adv.  
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

3      14-11-2022                      Let the defect(s), if any, be removed within two weeks  
from today.

Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner seeks regular bail in connection with  
Industrial Area P.S. Case No. 159 of 2021 lodged under Sections  
20(b)(ii)(c), 22 N.D.P.S. Act.

As per the prosecution case, total recovery of 78 kg of  
*Ganja* is the subject matter of the present case which has been  
recovered from the house of the petitioner.

Learned counsel for the petitioner submits that the  
antecedent of the petitioner is clean. He is in custody since  
03.12.2021. Counsel further submits that petitioner was living in

the joint house at the time of occurrence and only due to this reason, he was arrested by the police. Counsel submits that due to dirty village politics, his name has figured in this case. Counsel further submits that there is a gross violation of Section 100 of Cr.P.C. in preparation of the seizure list. There is no independent witness there in this case. Counsel further submits that one Md. Jami has put his articles in the house on the ground that there is lock down and his business has completely failed.

Learned counsel for the State opposes the prayer for bail and submits that the recovered material is *Ganja* whose weight is 78 kg which is much more than the commercial quantity.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner, therefore, the bail petition of the petitioner is hereby rejected.

The Trial Court is directed to expedite the trial.

With this observation, the bail application stands rejected.

**(Dr. Anshuman, J.)**

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