

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27395 of 2022

Arising Out of PS. Case No.-582 Year-2021 Thana- DHAKA District- East Champaran

Arjun Das Son of Jiyan Das Resident of Village - Agarawa, P.S.- Jitna, Distt.-
East Champaran at Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Adv.

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 14-09-2022 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
Dhaka P.S. Case No. 582 of 2021 lodged under Sections 20 and
22 of the N.D.P.S. Act, 1985.

As per the prosecution case, the police has stopped a
motorcycle upon secret information that somebody used to
transfer *ganja* from one place to another. Upon seeing the police
party, the driver of the motorcycle has changed the direction but
due to high speed he fell down. There were two persons sitting
there, one was fled away and one was apprehended by the
police. It was the petitioner who apprehended by the police. He

confessed before the police that he was going to Pakridayal keeping 22 kg of *ganja* with him.

Learned counsel for the petitioner submits that the said *ganja* has not been recovered from the conscious possession of the petitioner. He further submits that there is a gross violation of Section 50 of N.D.P.S. Act in the present case. He further submits that there is also a gross violation of Section 100 of Cr.P.C. As the said recovery was not made in the presence of two independent witnesses. Learned counsel for the petitioner further submits that petitioner is in custody since 04.12.2021, his antecedent is clean. He submits that charge sheet has already been filed as well as charge has also been framed in this case. Learned counsel for the petitioner submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court.

Learned counsel for the State opposes the prayer for bail and submits that the seized quantity of *ganja* is 22 kg which is more than 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 at present. But he may renew his prayer for bail one year after framing of charge.

In the mean time, the trial court is directed to complete the trial.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J)

Sadique/-
Prakash/-

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