

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29323 of 2022

Arising Out of PS. Case No.-24 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Aurangabad

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Bhuteli Sahni Son of Late Sanjivan Sahni Resident of Village - Sumerpatti,
P.O.- Sitalpur, P.S.- Dariyapur, District - Saran

... .. Petitioner/s

Versus

The Union of India through the Ministry of Home Affairs Narcotic Control
Bureau Karpuri Thakur Sadan, Rajeev Nagar, Patna - 800025, Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Chandra Bhaskar, Advocate
For the UOI (NCB) : Mr. Ram Anurag Singh, CGC

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-09-2022 Heard learned counsel for the petitioner and learned
counsel for the Union of India/N.C.B.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
NCB/PZU/V/24 of 2021/GR 21/21 registered for the offence
under Sections 8(c), 20, 25 and 29 of the N.D.P.S. Act.

The accused/petitioner is in custody since 25.10.2021.

The allegation against the petitioner is to have in
possession of 994 kg of contraband i.e., '*Ganja*'.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner is the driver of the alleged vehicle and
he was unaware about the illegal consignment of contraband i.e.,



'*Ganja*', as such, it cannot be said that alleged recovery was made from the conscious physical possession of the petitioner. It is further submitted that compliance of Sections 42 and 50 of the N.D.P.S. Act was not made in the present case. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete.

Learned counsel appearing on behalf of the Union of India/N.C.B., while opposing the prayer of bail, submitted that the quantity of contraband i.e., '*Ganja*' recovered is huge, where Section 37 of the N.D.P.S. Act puts a barrier, while dealing the business of bail, when recovery is of commercial quantity.

In view of the facts and circumstances, as mentioned above, as recovered quantity of contraband i.e., '*Ganja*', from the possession of the petitioner, is commercial i.e., about 994 kg, this Court is not inclined to grant bail to the petitioner, at present.

Accordingly, the prayer of bail of the petitioner is rejected herewith.

Learned Trial Court is directed to conclude the trial within a period of nine (09) months from the date of receipt of this order, by taking the matter on board, on day to day basis, for



expeditious disposal of the trial.

Superintendent of Police, Aurangabad is directed to produce the chargesheeted witnesses, as and when directed by the Trial Court, so as to conclude the trial within aforesaid time period, as directed above.

(Chandra Shekhar Jha, J)

Ankit/-

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