

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31341 of 2022

Arising Out of PS. Case No.-254 Year-2017 Thana- BIDUPUR District- Vaishali

Sanjay Kushwaha @ Sanjay Singh Kushwaha, Son of Late Ram Babu Singh
Resident of Village - Maile, Police Station- Bidupur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar, Advocate

For the Opposite Party/s : Mrs.Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-08-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Bidupur P.S. Case No.254 of 2017, registered for the alleged offence under Sections 8, 20 (b) (ii) (c) of NDPS Act and Section 30 (a) of Bihar Prohibition and Excise Act.

As per the prosecution case, from the *Dalan* of this petitioner, 35 K.G. of Ganja and 17.250 litres of India made foreign liquor was recovered.

It has been submitted on behalf of the petitioner that the petitioner is innocent and has been falsely implicated in this



case as the wife of the petitioner has been Mukhiya of the Gram Panchayat for two terms and present Mukhiya is his daughter-in-law. The contraband, namely Ganja and illicit liquor were planted by his political enemies. It has come in the FIR that five persons escaped from there, but till date, the police has not been able to identify to those five persons, who escaped from the spot. The recovery has been made in presence of two independent witnesses, but both the witnesses later on furnished affidavits that the police has taken their signature on blank papers and used it in preparing the seizure list. The search and seizure has not been made following the provisions of NDPS Act as well as Section 100 Cr.P.C. The petitioner is in custody since 17.04.2022 and the charge sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that earlier prayer for grant of anticipatory bail to the petitioner was rejected with a direction to the petitioner to surrender before the learned court below within a period of six weeks from the date of order and to make prayer for regular bail which was to be considered on merit and this order was passed on 28.03.2019. But the petitioner did not appear before the learned court below. Furthermore, recovery of 35 KG of Ganja was



made and it comes under the notified commercial quantity. The petitioner is accused in another excise case as well.

Having regard to the submissions made hereinabove and considering the recovery of commercial quantity of contraband from the premises of the petitioner, I am not inclined to enlarge the petitioner on bail at this stage.

Accordingly, his prayer for grant of bail is rejected.

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

(Arun Kumar Jha, J)

V.K.Pandey/-

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