

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41073 of 2021**

Arising Out of PS. Case No.-181 Year-2020 Thana- GOH District- Aurangabad

Kamakhya Giri S/O Late Indradeo Giri R/O Village-Shankarpur, P.S-
Haspura, District-Aurangabad

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri, Advocate
For the Opposite Party/s : Mr. Gulnar Begum, APP

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

3 05-01-2022 This application has been taken up for online hearing
through video conference because of COVID-19 pandemic
restrictions.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for regular bail arises out of Goh
P.S. Case No. 181 of 2020, disclosing offence punishable under
Sections 8/20(b)(ii)(B)/25/29 of the Narcotic Drugs and
Psychotropic Substances Act.

It is the prosecution's case that 22 kg 49 gm of *Ganja*
was recovered from the physical possession of the persons
named in the F.I.R., who disclosed name of the petitioner, as the
one who had allegedly supplied *Ganja* to them.



Learned counsel appearing on behalf of the petitioner has submitted that the petitioner has been implicated only on the basis of disclosure made by the accused persons and no recovery has been made from the petitioner's possession.

The argument would have merited consideration had there been no criminal antecedent of the petitioner. From paragraph 3 of the application, it appears that the petitioner is accused in following 3 cases of similar nature :-

- 1.) Mufasil P.S. Case No. 164 of 2016, registered for the offences punishable under Section 8/20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act.*
- 2.) Haspura P.S. Case No. 237 of 2020 registered for the offences punishable under Section 8(5d)/20(b) of the Narcotic Drugs and Psychotropic Substances Act.*
- 3.) Daud Nagar P.S. Case No. 70 of 2014 for the offences punishable under Section 8/23/25(a)/29 of the Narcotic Drugs and Psychotropic Substances Act.*

Learned counsel appearing on behalf of the petitioner has submitted that in 2 out of 3 aforesaid cases, the petitioner has been released on bail and in respect of the third case, an application for regular bail is pending.

Apparently, while on bail, the petitioner has been made accused in the present case.



Considering the petitioner's criminal antecedent, I
am not inclined to grant him privilege of regular bail. This
application is accordingly, rejected.

(Chakradhari Sharan Singh, J)

K.K.RAO/-

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