

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36032 of 2022

Arising Out of PS. Case No.-250 Year-2021 Thana- KHAGAUL District- Patna

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Dhanesh Kumar Son of Baiju Sah Resident of Mubarakpur, Near Krishi Farm,
P.S.- Shahpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Singh, Sr. Adv.
	:	Mr. Rudrank Shivam Singh, Adv.
For the Opposite Party/s	:	Mr. Umeshanand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 17-11-2022 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
Special Case No. 149 of 2021 arising out of Khagaul P.S. Case
No. 250 of 2021 lodged under Sections 8 (c), /21 (a) of the
N.D.P.S. Act.

As per the prosecution case, the total recovery of 195
pudiya (110 gm) of heroine like material has been made from
the possession of the petitioner.

Learned counsel for the petitioner submits that from

the seizure list it transpires that there is no independent witness, as such there is gross violation of Section 100 of Cr.P.C. as well as Section 50 of the N.D.P.S. Act.

Learned counsel for the petitioner submits that the alleged recovery is 110 gm and according to the Schedule of N.D.P.S. Act it is more than the small quantity but lesser than the commercial quantity, which are 5 gm and 250 gm respectively.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 11.10.2021 having clean antecedent and charge sheet has already been filed in this case. Upon specific query whether charge has framed or not, learned counsel submits that he is not sure whether charge has framed or not.

Learned counsel for the State opposes the prayer for bail.

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

Liberty is hereby granted to the petitioner that he may renew his prayer for bail 2 months after framing of charge.

The Trial Court is directed to expedite the trial and in case, the case shall not be concluded within 2 months after framing of charge then the Trial Court is directed to release the petitioner on bail with imposing its own conditions, so that the petitioner shall not evade his appearance during trial.

(Dr. Anshuman, J.)

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