

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38355 of 2022

Arising Out of PS. Case No.-13 Year-2020 Thana- LAKHISARAI District- Lakhisarai

Subodh Thakur S/O Late Mahendra Thakur Resident of village- Sahbegpur
Ward No.- 22, Chantamanichak, P.S.- Mokama, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parmod Kumar, Advocate
For the Opposite Party/s : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

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

The petitioner seeks bail in connection with
Lakhisarai P.S. Case No. 13 NCB/ 2020 registered for the
offence under Sections 8(c), 20(b)(ii)(c), 25 and 29 N.D.P.S.
Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 30.01.2020.

The allegation against the petitioner is to have in
possession of 561 Kg of contraband i.e. '*Ganja*', while he was
apprehended, being driver-cum-owner of pickup van bearing
Registration No. BR 9-E 2608.



Learned counsel appearing on behalf of the petitioner submitted that petitioner have been falsely implicated in this case, as he was not under knowledge, as regard to consignment of contraband i.e. '*Ganja*'. It is further submitted that compliance of Sections 42 and 50 of N.D.P.S. Act were not made in the present case. It is also submitted that seizure list is also not supported by independent witnesses. While concluding the argument, it has been submitted that investigation of this case has been completed, for which charge sheet has been submitted and, as such, there is no chance of tampering with evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that the quantity of recovered contraband is much more than commercial quantity i.e., about 561 Kg, where petitioner is not in position to say that he was not under the knowledge to have contraband in his possession, being driver-cum-owner of alleged vehicle. It is also submitted that there are no reasonable ground for believing that petitioner is not guilty of the present offence and that he is not likely to commit any offence, while on bail. It is also submitted that Section 37 of N.D.P.S. Act puts a barrier, while dealing the matter of commercial quantity of recovery.



In view of the facts and circumstances as mentioned above, as recovery of alleged contraband i.e., '*Ganja*' is more than commercial quantity, this Court is not inclined to grant privilege of bail to the petitioner, at present.

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

However, learned Trial Court is directed to conclude the trial, preferably, within a period of 09 (nine) months from the date of receipt of this order, by taking this matter on board, on day to day basis, if required.

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

(Chandra Shekhar Jha, J)

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