

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50939 of 2021

Arising Out of PS. Case No.-140 Year-2021 Thana- DIGHA District- Patna

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SUNIL KUMAR @ SUNIL RAY S/o BHUPNATH RAI R/o VILLAGE-
DIGHA CHAUHATTA, P.S-DIGHA, DISTRICT-PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashank Shekhar

For the Opposite Party/s: Mr.Damodar Prasad Tiwary

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 01-04-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Special Case No. 26 of 2021, arising out of Digha Police Station
Case No. 140 of 2021, registered for the offences punishable
under Sections 20/22/24 of the Narcotic Drugs and Psychotropic
Substances Act, 1985.

The prosecution case, as per the First Information
Report, is that 1.3 kgs of ganja has been recovered from the
house of the petitioner.

Learned Counsel for the petitioner submits that the
petitioner has not committed any offence in the manner alleged
and he has falsely been implicated in this case by the police with



oblique motive inasmuch as from perusal of the seizure list, it would be evident that the ganja has been recovered from Digha Chouhatta and not from the house of the petitioner. He further submits that at the time of search and seizure, the procedure prescribed under the provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985, has not been followed and the ganja recovered from the house of the petitioner is slightly more than the small quantity and less than the commercial quantity.

On the other hand, learned Counsel for the State submits that the petitioner has criminal antecedent of similar nature of offence and the quantity of ganja recovered from him is more than small quantity.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that ganja has been recovered from the house of the petitioner, the petitioner is having criminal antecedent also of similar nature of offence and the recovered ganja is more than the small quantity, I am not inclined to grant regular bail to the petitioner, at this stage.

This application is, accordingly, dismissed.

However, the petitioner may renew his prayer for bail



after nine months from today, if the trial does not record any progress.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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