

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 42201 of 2022

Arising Out of PS. Case No.-57 Year-2022 Thana- AURAI District- Muzaffarpur

Mohan Kumar Yadav Son of Ram Kalewar Yadav Resident of Village -
Madhopur, P.s.- Aurai, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jyotsna Rani Mishra, Adv.

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 02-11-2022 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
Aurai P.S. Case No. 57 of 2022 lodged under Sections 20/22 of
N.D.P.S. Act.

As per prosecution case, the total recovery of 83 kg
300 gm *ganja* was alleged to be made from Alto car.

Learned counsel for the petitioner submits that from
the F.I.R. itself it is clear that the petitioner has not been
apprehended from the place of occurrence. He further submits
that petitioner's name has been figured in this case by the
independent witness, who disclosed that petitioner used to do
the business of *ganja* and *charas*. He further submits that the
petitioner is neither driver nor *khalasi* nor owner of the said car

and has not been apprehended from the place of occurrence.

Learned counsel for the petitioner submits that petitioner is in custody since 30.04.2022 having clean antecedent. He further submits that total recovery of *ganja* from the said car is 83 kg and 300 gm as transpires from the seizure list.

Learned counsel for the State opposes the prayer for bail and submits that the recovered quantity of *ganja* is more than the commercial quantity, therefore, the prayer for bail shall be rejected.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner.

Liberty is hereby granted to the petitioner that he may renew his prayer for bail 6 months after framing of charge.

With this observation, the bail application stand rejected.

(Dr. Anshuman, J.)

ashishsingh/-

U		T	
---	--	---	--