

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44216 of 2022

Arising Out of PS. Case No.-140 Year-2022 Thana- SASARAM MUFFSIL District- Rohtas

Ram Umed Pandey @ Ram Umesh Pandey, Son Of Ram Avatar Pandey @
Ram Avatar Tiwari, R/O Village- Jamuhar, P.S.- Dehri (M), District- Rohtas

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishana Pd. Singh, Sr. Adv.
Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s : Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with N.D.P.S. Case No. 14 of 2022 arising out of
Sasaram (M) (Karwandiya O.P) P.S. Case No. 140 of 2022
registered for the alleged offences under Sections 8, 20(b),(ii),
(c), 25 and 29 of the N.D.P.S. Act.

As per prosecution case, recovery of 5.13 kg of *ganja*
was made from the house of the petitioner when a raid was
conducted by the police on getting secret information about
bringing of *ganja* for sale in the house of the petitioner.



The learned senior counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The Seizure list has not been prepared in presence of the independent witnesses despite the fact that the place of occurrence is a market place and occurrence took place at 16.20 hrs. Learned senior counsel further submits that sealing was not properly done as sample was taken out after mixing the *ganja* from all the packets. There is complete violation of prescribed procedure. The seized contraband is much less than the commercial quantity though it is above the small quantity. There is no report of Forensic Science Laboratory regarding the nature of the contraband has been brought on record so it could not be ascertained with certainty that the seized article is *ganja*. Moreover, the petitioner has been constructing his house that is an open place and accessible to all and the petitioner does not reside at that place since his village is about 10 KM away from the place of occurrence. Petitioner is in custody since 28.03.2022 and charge sheet has been submitted. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail submitting that recovery has been made from the possession of this petitioner and it is much more than the small quantity.



Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the recovery of 5.13kg of *ganja* was made in his possession, I am not inclined to grant bail to the petitioner. Hence, the prayer for bail is rejected.

However, the learned trial court is directed to expedite the trial and conclude the same preferably within a period of six months.

(Arun Kumar Jha, J)

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