

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56445 of 2021

Arising Out of PS. Case No.-2 Year-2021 Thana- CHARPOKHARI District- Bhojpur

UMESH KUMAR SINGH @PATHAL @ UMENSH KUMAR SINGH Son
of Amrendra Kumar Singh @ B.P. Mandal Resident of Village- Dullaur Tola
Simraon, Police Station- Charpokhari, District- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushkar Narain Shahi, Sr.Adv.

Mr. G.P. Bimal, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Singh,APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 10-05-2022

Heard learned counsel for the parties.

The petitioner seeks bail in N.D.P.S. Case No. 01 /
2021, arising out of Charpokhari P.S.Case No. 02/2021,
registered for the offence punishable under Sections 8, 20(b)(ii)
(c), 27 of the N.D.P.S. Act.

As per the prosecution case, 937 kg. of *Ganja* has
been recovered from the house of co-accused Amarendra Kumar
Singh and this petitioner has been made accused simply because
he is son of co-accused Amarendra Kumar Singh.

Learned counsel appearing for the petitioner submits
that neither petitioner was arrested on spot nor any narcotic
substance has been recovered from his possession, rather the
alleged *Ganja* was recovered from the under-construction house
of co-accused Amarendra Kumar Singh and being son of co-



accused Amarendra Kumar Singh. Petitioner has relinquished his share in the said property and is residing in Orissa. Mandatory provision with regard to search and seizure has not been followed. Petitioner is in custody since 08.03.2021. Investigation is complete.

However, learned A.P.P. for the State opposed the bail petition and submitted that huge quantity of *Ganja* has been recovered from the house of this petitioner.

Considering the rival submissions of the parties, materials available on the record, quantity of alleged recovered *Ganja* and condition imposed under Section 37 of the N.D.P.S. Act the prayer for bail of petitioner is rejected. However, since the petitioner is in custody since 08.03.2021, the learned trial court is directed to expedite the trial and conclude the same as early as possible.

(Prabhat Kumar Singh, J)

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