

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59004 of 2021

Arising Out of PS. Case No.-355 Year-2020 Thana- KISHANGANJ District- Kishanganj

EKRAMUL ISLAM Son of Noor Islam @ Noor Islam Miya Resident of
Village- Uttar Nababganj, Balasi, Dewan Hat, P.S.- Cozch Behar, District-
Coach Behar (W.B.)

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh, Adv.

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-03-2022 Heard learned counsel for the petitioner and Mr. prem
Kumar Jha, learned A.P.P. for the State.

The petitioner seeks bail in connection with Special Case
No. 10 of 2020 arising out of Kishanganj P.S. Case No. 355 of 2020
instituted for the offences under Sections 20(b), 3, 23(3) 22(3) and 27
of the Narcotic Drugs and Psychotropic Substance Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 10.09.2020 is a person with clean
antecedent, charge-sheet has been submitted in the case and
allegation is of recovery of 129.100 K.G of ganja from a pickup van
in which the petitioner was found sitting.

Learned counsel for the petitioner submits that the
petitioner has been falsely implicated in the present case and the
petitioner is a Khalasi, who was completely unaware that what was



loaded in the vehicle by the owner and transporter of the vehicle. It is further submitted that it absolutely does not stand to reason that when the quantity of ganja alleged to be seized is of commercial quantity then why the First Information Report came to be instituted in haste when the NDPS Act mandate an extended period of investigation. It is further submitted that the Investigating Officer after filing of the charge sheet has prayed before the learned court below for sending the alleged seized ganja to Forensic Science Laboratory which further goes to show that the police in haste submitted the charge sheet.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that the allegation is of recovery of 129.100 KG of Ganja which is much more than commercial quantity.

At this stage, learned counsel for the petitioner seeks permission to withdraw the present bail application.

Permission is accorded with liberty to the petitioner to move in accordance with law.

Accordingly, the application is dismissed as withdrawn.

(Satyavrat Verma, J)

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