

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59693 of 2021

Arising Out of PS. Case No.-28 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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Jitendra Kumar S/o Nannak Ray R/o village- Jagdishpur, P.S.- Raghapur,
District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate
For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 20-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with Special

(NDPS) Case No. 28 of 2021 registered for the offence under

Sections 8 and 20(ii)(b)(C) of the NDPS Act.

The accused/petitioner is in custody since 09.07.2021.

The allegation against the petitioner is to have in

possession of 300 kg of contraband i.e., Ganja.

Learned counsel appearing on behalf of the petitioner



submitted that nothing surfaced during the course of investigation, which may suggest that petitioner was under knowledge about the contraband loaded in the pick-up van bearing Registration no. BR 01 GG 7791. It is submitted that petitioner was a labour engaged for loading and unloading of the consignment. It is also submitted that nothing recovered from the conscious physical possession of the petitioner, who is a man of clean antecedent.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that the recovered quantity is huge, which is more than commercial quantity as defined under the law/schedule. It is submitted that it cannot be accepted by any stretch of imagination that petitioner was not under knowledge of the contraband, because he was engaged as a labourer, as per the impugned bail order dated 06.08.2021 of learned Sessions Judge, Nawada.

Considering the facts and circumstances as mentioned above, as the amount recovered is much more than commercial quantity, this Court, at present, is not inclined to grant bail to the petitioner.

Accordingly, the prayer of bail of the petitioner is rejected herewith.



The Trial Court is directed to conclude the trial at the earliest.

Superintendent of Police, Nawada is directed to produce the chargesheeted witnesses, as and when directed by the Trial Court, for expeditious disposal of the trial.

(Chandra Shekhar Jha, J)

Ankit/-

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