

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62428 of 2021

Arising Out of PS. Case No.-283 Year-2021 Thana- JOKIHAT District- Araria

Vikash Kumar Gupta, Son of Laxman Sah, Resident of Village - Darwe,
Police Station - Tajpur, Haloi O.P., District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

8 07-11-2022 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 Jokihat P.S. Case No. 283 of 2021 registered
for the alleged offences under Sections 20(b), (ii),
C/22/23/25/29 of the N.D.P.S. Act.

As per prosecution case, during a drive against
recovery of illicit liquor vehicles were being searched. During
one such search, a car was intercepted and two persons were
found sitting in the car and a person started fleeing away from
the said car on seeing the police, they were apprehended and
from a secret compartment of the car 93.620 kg of *ganja* kept in



24 packets was recovered.

The learned counsel for the petitioner submits that the seizure list does not show the *ganja* was recovered from the conscious possession of this petitioner and the witnesses on the seizure list have not been made witness in charge-sheet and were not examined during investigation by the police. The FIR number has been mentioned at the top of the seizure list. But as per the prosecution case seizure list was prepared prior to the registration of the FIR, which shows fabrication of the documents. The learned counsel further submits that only due to the fact that the petitioner was sitting in the car he cannot be fastened with liability of the contraband seized from the car. The learned counsel further submits that from the 24 packets seized, sample was taken from only two packets and so the recovery from several packets were doubtful and could not be said with any certainty that those packets contained contraband. The petitioner is in custody since 04.06.2021 and charge-sheet has been submitted but no witness has been examined till date. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail submitting that the petitioner along with co-accused was apprehended and from their possession 93.620 kg of *ganja* was recovered, which



comes under the commercial quantity as notified by the Government of India. The witnesses have supported the case of the informant against the petitioner.

Perused the records.

Having regard to the nature of allegation and considering the recovery made from the possession of the petitioner, I am unable to persuade myself that the petitioner is innocent and has not committed the offence as alleged or is not likely to commit the offence in future.

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 nine months.

The petitioner will be at liberty to renew his prayer for bail, if the trial is not concluded within a period of nine months.

(Arun Kumar Jha, J)

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