

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63822 of 2021

Arising Out of PS. Case No.-170 Year-2021 Thana- DAGARUA District- Purnia

SAFIKUL MIYAN Son of Abu Bakar Sheikh Resident of Village - Dakshin
Pathkaoara, P.S.- Alipur Dawar, Distt.- Alipur Dawar (W.B)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 23-08-2022 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 from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Special Case No. 52 of 2021, C.I.S. No. 50 of 2021 arising out of Dagarua P.S. Case No. 170 of 2021 registered for the alleged offences under Sections 8, 20(b)(ii) (c), 25 and 29 of the Narcotic Drugs & Psychotropic Substance (N.D.P.S.) Act.

As per prosecution case, during checking of vehicles, the vehicle of the petitioner was intercepted and the petitioner was apprehended when he tried to flee away from the spot. On



search of vehicle, a secret compartment was found below the hood (*dala*) of the vehicle and 85.60 kg of ganja was recovered from the secret compartment.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case and nothing has been recovered from his conscious possession. There has been violation of provisions in Section 42 of the N.D.P.S. Act. There is ambiguity over weighing of the seized contraband and also regarding its sampling. There is complete violation of the procedure as prescribed vide different orders of government in the regard of seizure and sampling. It is further submitted that the petitioner has no concern with the seized ganja. He was merely the driver of the vehicle and has no knowledge about the secret compartment in *dala* of the vehicle. Charge sheet has been submitted in this case and the petitioner is in custody since 28.06.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that huge quantity of ganja was recovered from the possession of the petitioner.

Perused the records.

Having regard to the facts and circumstances of the case as well as submission made on behalf of the parties, further



considering the grave and serious allegation against this petitioner from whose possession 85.60 kg of ganja was recovered, I do not think it is a fit case for grant of bail to the petitioner. Hence, the prayer for bail of the petitioner is rejected.

The learned trial court is directed to expedite the trial.

(Arun Kumar Jha, J)

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