

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63438 of 2021

Arising Out of PS. Case No.-83 Year-2021 Thana- PAROO District- Muzaffarpur

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Ajay Kumar Jha S/O Late Nand Kishore Jha R/O Village- Paroo, P.S.- Paroo,
District- Muzaffarpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha

For the Opposite Party/s : Mr. Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-03-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 20 and 22 of the N.D.P.S.
Act.

The learned counsel for the petitioner submits that the
petitioner is in custody since 14.03.2021, he is a person with
clean antecedent, charge-sheet has been submitted in the case
and is aged about 75 years.

The learned counsel for the petitioner submits that the
informant alleges that on secret information the house of the
petitioner was raided at 2.05 P.M. on 13.03.2021. The petitioner
on seeing the police force tried to flee, but was apprehended and
from his house, 72.535 Kgs. of ganja kept in a plastic bag was



seized along with Rs.9800/-. Thereafter, on disclosure made by the petitioner, the house of Jawahar Sah and Ganesh Sah was raided and from the hut of Jawahar Sah, 4.722 kgs. of ganja and Rs.48,935/- was recovered and from the hut of Ganesh Sah, 1.5 kg. of ganja was recovered, but Ganesh Sah was fled from the place of occurrence.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. The learned counsel further submits that he has specifically pleaded at Para-6 of the bail application that the ganja has not been recovered from the conscious and exclusive possession of the petitioner rather it was from a joint family property and his two brothers namely, Angad Kumar, Daya Nand Jha and Chandan Jha, Arbind Jha and others are living in the same house. Petitioner had absolute no knowledge about the alleged contraband. The learned counsel further submits that it absolutely does not stand to reason that a person, who remained blemishless till 75 years of age, all of a sudden, stands implicated in a case under N.D.P.S. Act. The learned counsel further submits that the mere fact that petitioner is 75 years of age and was staying jointly with his brother and is a person with clean antecedent and his case deserves to be considered for bail.



The learned A.P.P. for the State opposes the bail application and submits that the alleged recovery is of commercial quantity of ganja.

At this stage, the learned counsel for the petitioner seeks permission to withdraw the present bail application with a liberty to the petitioner to renew his prayer for bail after framing of charge.

Permission is accorded.

Accordingly, instant petition is dismissed as withdrawn with the liberty aforesaid.

(Satyavrat Verma, J)

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