

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65505 of 2021

Arising Out of PS. Case No.-179 Year-2021 Thana- DHAMDAHA District- Purnia

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Amarjeet Chaudhary, Son of Manoj @ Manoj Kumar Chaudhary, Resident of
Dhamdaha Uttar Tola, Ward No. -3, P.S.- Dhamdaha, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 71442 of 2021

Arising Out of PS. Case No.-179 Year-2021 Thana- DHAMDAHA District- Purnia

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Mamta Devi, W/o Manoj Rajak, Resident of Village - Dhamdaha Thakurbari,
P.S.- Dhamdaha, Distt.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 65505 of 2021)

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 71442 of 2021)

For the Petitioner/s : Mr. P. N. Shahi, Senior Advocate

Mr. Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 31-08-2022 Since both the applications arise out of Dhamdaha

P.S. Case No. 179 of 2021, as such, they have been heard

together and are being disposed of by this common order.

Heard learned counsel for the petitioners 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 petitioners seek bail in connection with Dhamdaha P.S. Case No. 179 of 2021 registered for the alleged offences under Sections 20 (b), (11) (c) and 25 of the N.D.P.S. Act.

As per prosecution case, secret information was received by the police about co-accused Manoj Rajak and his wife keeping *Ganja* in their premises and selling the same. A raid was conducted on under-constructed house of co-accused Manoj Kumar and two male and one female tried to escape from there on seeing the police party. However, one male and a female were apprehended, who disclosed their names as Amarjeet Chaudhary and Mamta Devi, respectively. They also disclosed that co-accused Manoj Rajak escaped from the spot. From search of the vehicle of petitioner Amarjeet Chaudhary, 38.921 kg of *ganja* was recovered. From the house of co-accused Manoj Rajak, 33.784 kg of *ganja* was recovered. Apart from the contraband, Rs. 8,63,750/- was also recovered kept in the plastic bag.

The learned senior counsel appearing on behalf of the petitioner Mamta Devi submits that the recovery has been made



from an under construction house which is accessible to all as it is without any door or windows and to this effect, some photographs have been filed on record. The petitioner has no concern with the seized *ganja*, cash or vehicle and she has been dragged in this case because she is a wife of the co-accused Manoj Rajak. Even the money, which was seized, has been kept by the co-accused for marriage of his sister. No recovery has been made from this petitioner and the *ganja* allegedly seized has been recovered from the under-constructed house. The petitioner has got two minor children to look after and she was not involved in any illegal activities. Petitioner Mamta Devi is in custody since 26.07.2021 and the charge-sheet has been submitted against her.

The learned counsel appearing on behalf of the petitioner Amarjeet Chaudhary submits that the petitioner is innocent and has been falsely implicated in this case with mala fide intention. He has filed on record photographs pursuant to a petition given by the mother of this petitioner regarding police personnel taking away the petitioner and his car from his premises at 03.25 AM on 25.07.2021. On the previous day i.e. 24.07.2021, the petitioner has some altercation with local police during checking of vehicle and to teach him a lesson, he has



been dragged in this case. The petitioner has no concern with the seized contraband or co-accused Manoj Rajak or Mamta Devi. If the vehicle of the petitioner was taken into custody of police at about 4.15 AM on the fateful day, then the story of the presence of the petitioner along with vehicle in the premises of co-accused Manoj Rajak does not arise. During search of the person of the petitioner nothing was shown to have been recovered and it is very strange that even the keys of the car of this petitioner was not found on his person. The mandatory provision under Sections 42, 50, 51 and 52 of the N.D.P.S. Act has not been complied with. The petitioner Amarjeet Chaudhary is in custody since 26.07.2021 as mentioned in the impugned order.

Learned A.P.P vehemently opposes the prayer for bail submitting that whatever contention has been raised, they are the matter of trial and on the basis of allegation which is duly supported by the witnesses in the case diary, the petitioners were found to have in their conscious possession commercial quantity of *ganja*. There is no dispute over the ownership of the house or the vehicle and the petitioners were apprehended from the spot.

Having regard the facts and circumstances of the case and submissions made on behalf of the parties and considering



the nature of allegation against the petitioners which is grave and serious and recovery of commercial quantity of *ganja* has been made from the premises of petitioner Mamta Devi and from the vehicle of petitioner Amarjeet Chaudhary, I am not inclined to grant bail to the petitioners.

Hence, their prayer for bail is rejected.

However, the trial court is directed to expedite the trial and conclude the same at the earliest preferably within a year.

(Arun Kumar Jha, J)

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