

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67023 of 2021**

Arising Out of PS. Case No.-120 Year-2021 Thana- KURSAILA District- Katihar

MANISH KUMAR S/O KAILASH MANDAL R/o village- Nawabganj
Chowk, P.S.- Kursela, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. K. K. Jha, Sr.Adv. Mr.Shankar Kumar Choudhary
For the Opposite Party/s	:	Mr.Shyam Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 18-04-2022 Heard learned counsel for the parties.

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

Following a tip off, a raid was conducted and 298 kg.
of Ganja was recovered from the house of co-accused Vikash
Kumar Mandal and this petitioner alongwith other co-accused
were apprehended on spot.

It is submitted on behalf of petitioner that from bare
perusal of the F.I.R., it is obvious that no incriminating article or
psychotropic substance has been recovered either from the
possession or premises of the petitioner. Recovery has been
effected from the house of co-accused Vikash Kumar Mandal
and this petitioner has been made accused only on suspicion.
Mandatory compliance of Sections 42 and 50 of the N.D.P.S.



Act has not been followed. Petitioner claims clean antecedent and he is in custody since 05.08.2021.

However, learned A.P.P. for the State has opposed the prayer for bail and submitted that in this case, huge quantity of Ganja has been recovered and this petitioner has been apprehended on spot.

Considering the rival submissions of the parties, recovery of alleged Ganja and rigors of Section 37 of the N.D.P.S. Act, I am not inclined to grant bail to the petitioner and same is, accordingly, rejected.

However, since the petitioner is in custody since 05.08.2021, the learned trial court is directed to expedite the trial.

(Prabhat Kumar Singh, J)

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