

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68286 of 2021**

Arising Out of PS. Case No.-171 Year-2018 Thana- NAWANAGAR District- Buxar

Babudhan Choudhary S/o Munni Chaudhary @ Muni Ram R/o village-
Basudewa (Basudeva Bind Toli), P.S.- Nawanagar, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 18-10-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

At the outset, learned counsel for the petitioner
submitted that inadvertently, custody period of the petitioner in
Para-13 of the bail petition, has been wrongly typed as
'15.09.2021' instead of '15.07.2021'.

Accordingly, learned counsel for the petitioner is
permitted to make necessary correction, during the course of the
day itself.

The petitioner seeks bail in connection with
Nawanagar P.S. Case No. 171 of 2018 registered for the offence
under Sections 8, 20(b)(ii)(c), 22, 27(a) and 29 of the N.D.P.S.
Act.



The accused/petitioner is named in the F.I.R. as being owner of the car bearing registration no. JH01R6001, where he is in custody since 15.07.2021.

The allegation against the petitioner is to have in possession of 111.365 Kg of contraband i.e. 'Ganja', along with other co-accused persons.

Learned counsel appearing on behalf of the petitioner submitted that petitioner has falsely been implicated in this case, being only the registered owner of the alleged vehicle. It is submitted that admittedly, alleged recovery of 'Ganja' was not made from the conscious physical possession of this petitioner. It is further submitted that seizure list appears disputed, as same is not supported by independent witnesses rather by police personnels. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is registered owner and it cannot be believed by any stretch of argument that he was not under knowledge to carry a consignment of such a huge quantity



of 'Ganja' in his vehicle. It is also submitted that Section 37 of the N.D.P.S. Act puts a barrier, dealing recovery of commercial quantity of contraband.

In view of the facts and circumstances as mentioned above, as recovered contraband i.e. 'Ganja' is of commercial quantity, this Court is not inclined to grant privilege of bail to the petitioner, at present.

Accordingly, the prayer for bail of the petitioner is rejected herewith.

The learned Trial Court is directed to conclude the trial, preferably, within a period of 06 (six) months from the date of receipt of this order, by taking this matter on board, on day-to-day basis, if required.

The Superintendent of Police, Buxar, is directed to produce the charge-sheeted witnesses, as and when directed by the learned Trial Court, so as to conclude the trial within aforesaid time period, as directed above.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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