

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1729 of 2022

Arising Out of PS. Case No.-414 Year-2021 Thana- UDWANTNAGAR District- Bhojpur

Suchit Kumar @ Sujit Kumar, Son of Late Teslal Paswan, Resident of
Village- Kudhwa Tola, P.S.- Udwantnagar, Distt- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 02-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner submits that the period of custody has been wrongly mentioned in paragraphs 16 as 21.09.2019 whereas it should be 27.09.2021 and seeks permission to correct the same in course of the day. He is permitted to correct the period of custody as mentioned in paragraph 16 of the bail petition.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks.

In the present case, the petitioner seeks bail in connection with N.D.P.S. Case No. 09 of 2021 arising out of Udwantnagar P.S. Case No. 414 of 2021 registered for the alleged offences under Sections 20(b),(ii),(B) of the N.D.P.S.



Act, 1985.

As per prosecution case, police apprehended the petitioner after chase and from a bag being carried by this petitioner, recovery of 3kg of *ganja* was made.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case due to grudge with local chowkidar. Two days prior to the alleged occurrence, there was an altercation over street drainage with the said chowkidar and he threatened him that he would send the petitioner behind the bar within two days and in this manner the petitioner was arrested under N.D.P.S. Act. The seized contraband is planted one and this fact is also apparent from the seizure list which shows that the recovery has been made from an orchard. There is no independent witness to the search and seizure. The seized contraband is much less than the commercial quantity though it is above the small quantity. There is no report of Forensic Science Laboratory regarding the nature of the contraband has been brought on record so it could not be said with certainty that the seized article is *ganja*. Petitioner is in custody since 27.09.2021 and charge sheet has been submitted. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail submitting



that the petitioner was caught red-handed with 3 kg of *ganja*.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner was caught with 3kg of *ganja*, a psychotropic substance, in his possession, I am not inclined to grant bail to the petitioner. Hence, the prayer for bail is rejected.

However, the learned trial court is directed to expedite the trial and conclude the same preferably within a period of nine months.

If the trial is not concluded within a period of nine months, then the petitioner will be at liberty to renew his prayer for bail.

(Arun Kumar Jha, J)

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