

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22646 of 2022

Arising Out of PS. Case No.-415 Year-2021 Thana- DHANARUA District- Patna

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DINESH KUMAR SHARMA Son of Sri Ram Narayan Das Resident of
Village - Ghogha, Pakki Sarai, Ward No. -7, Parmanandpur Khawas, P.S. -
Ghogha, District - Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Navjot Yesu, Adv.

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 04-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State, Ms. Anita
Kumari Singh.

The petitioner seeks regular bail in
connection with Dhanarua P.S. Case No. 415 of
2021, registered for the offence punishable under
Sections 20(b)(ii)(c) and 29 of the NDPS Act,
1985.

The case of the prosecution, in brief, is that
upon the informant having received secret
information that ganja was being carried on a
white car from Arah to Bhagalpur, the informant
along with his police team started checking



vehicles near Charpolwa on Patna Gaya main road, during the course whereof, the police force apprehended a car, from which the accused persons including the petitioner herein were apprehended and upon search, 59 kgs. of ganja was recovered.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 30.11.2021. The learned counsel for the petitioner has further submitted that the ganja has been recovered from the back seat of the vehicle in question and the petitioner has got nothing to do with the alleged vehicle.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties and gone through the materials available on record including the materials available in the case diary from which the complicity of the petitioner in the alleged occurrence is writ large,



apart from the fact that the quantity of ganja, seized from the car in question from which the petitioner was also apprehended, is much more than the commercial quantity, as defined in the schedule notified under the provisions of the NDPS Act, 1985 i.e. 20 kgs., hence, the stringent provisions contained under Section 37(1)(b) of the NDPS Act, 1985, would be an impediment in grant of bail to the petitioner herein, thus, I am not inclined to grant bail to the petitioner herein. Accordingly, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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