

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23017 of 2022

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

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ARUN KUMAR SHRIVASTAV S/o Shyam Bihari Lal R/o village- Masarh,
Ward No. 17, P.S.- Udwant Nagar (Gajrajganj O.P), District- Bhojpur at Ara,
Pin Code- 802162 (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Uday Kumar, Adv.

Mr. Subham Shankar, Adv.

For the Opposite Party/s : Mr.Narendra Kumar 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, Sri Narendra
Kumar Singh.

The petitioner seeks regular bail in
connection with Spl. Case (NDPS) No. 191 of
2021, arising out of Dhanarua P.S. Case No. 415 of
2021, registered for the offence punishable under
Sections 20(b)(ii)(c)/22(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 1.12.2021. 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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