

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22994 of 2023

Arising Out of PS. Case No.-209 Year-2022 Thana- MAJORGANJ District- Sitamarhi

Sanjay Sharma Son Of Sri Raj Kumar Sharma Resident Of Village- Parsauni,
Mailwar, Ward No. 15, Ps- Parsauni, Distt- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Mejorganj P.S. Case No. 209 of 2022 registered on 23.07.2022 for the alleged offences under Sections 8, 20(b), (ii) (B) of the Narcotics Drugs and Psychotropic Substance Act.

3. As per prosecution case, petitioner was apprehended with 1kg of cannabis (*charas*) in his possession while coming from the borders of Nepal to India.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. No sample was drawn from the place of occurrence. There is violation of mandatory provisions of Section 42 of NDPS Act as information



was not given to superior officer after receipt of the same by the informant. Seizure list was not prepared at the place of recovery. There is complete violation of provisions regarding search and seizure. No independent witnesses has been roped in during the process of search and seizure. The petitioner is in custody since 24.07.2022 and charge sheet has been submitted. Petitioner has got no criminal history.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner. Learned APP further submits that commercial quantity of *charas* has been seized from the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the the nature of allegation against the petitioner, I do not think it is a fit case for grant of bail.

7. Hence, the prayer for bail is rejected.

8. However, the learned trial is directed to expedite the trial and conclude the same at the earliest.

(Arun Kumar Jha, J)

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