

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24716 of 2023

Arising Out of PS. Case No.-98 Year-2020 Thana- BARAUNI District- Begusarai

Md. Shamshad Alam @ Md. Samsad Alam Son Of Late Md. Samad @ Abdul Samad @ Md. Abdul Samad R/O Village- Papraur, Ward No.04, P.S.- Barauni (ZEROMILE O.P.), District- Begusarai, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avinash Shekhar

For the Opposite Party/s : Mr. Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-04-2023 Heard learned counsel for the petitioner learned APP
for the State.

Earlier, the regular bail application of the petitioner was rejected vide order dated 28.09.2021 passed in Cr. Misc No. 23147 of 2021.

The petitioner seeks bail in a case registered for the offence punishable under Sections 8/20 (b) (ii) (c) of the N.D.P.S. Act.

As per the prosecution case, 102 kilogram of Ganja is said to have been recovered from the house of the petitioner and the petitioner was apprehended.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He is quite



innocent and has been falsely implicated in this case. No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner not specific rather general and omnibus in nature. He submits that co-accused Sajan Kumar has been enlarged on bail by a Co-ordinate Bench of this Court vide order dated 15.03.2021 passed in Cr. Misc. No. 39235 of 2020. Petitioner has no concern with the alleged recovery. The petitioner has one criminal antecedent and has been languishing in custody since 11.03.2020.

Learned APP for the State vehemently opposing the bail petition submitted that huge quantity of Ganja weighing about 120 kgs has been recovered from the house of the petitioner, which is a commercial quantity, hence the petitioner does not deserve bail.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. The prayer for bail is hereby rejected in connection with Barauni (Zeromile) P.S. Case No. 98 of 2020.

(Anjani Kumar Sharan, J)

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