

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30044 of 2022

Arising Out of PS. Case No.-128 Year-2019 Thana- INDUSTRIAL District- Bhagalpur

MD. SUDDIN @ SUDIN SON OF MD. CHOTU R/O- VILLAGE-
FATEHPUR, MUKERI TOLA, P.S.- INDUSTRIAL AREA, DISTRICT-
BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Syed Masleh Uddin Ashraf, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 25-01-2023 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection
with Industrial area PS case no. 128 of 2019 instituted for the
offences punishable under Sections 20, 22 of N.D.P.S. Act.

The allegation is regarding recovery of 50 kg of
ganja from the house of the petitioner and one another person
namely Md. Nasrul.

The learned counsel for the petitioner submits that
the petitioner is innocent, has been falsely implicated in the
present case, he is having a clean antecedent and is languishing in
custody since 25.11.2021. The learned counsel for the petitioner
has further submitted that the petitioner is living separately in
mess and business from his brother Md. Nasrul, hence, he has



nothing to do with the alleged occurrence.

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

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that 50 kg *ganja* has been recovered from the house stated to be in joint possession of the petitioner and one Md. Nasrul, which is much more than the commercial quantity defined in the Schedule notified under the provisions of the N.D.P.S. Act, 1985 i.e. 20 kg, this Court finds that stringent provisions contained under Section 37(1)(b) of the N.D.P.S. Act, 1985 would preclude this Court from grant of bail to the petitioner herein, hence, I do not find any merit in the present petition, thus, the same stands dismissed.

(Mohit Kumar Shah, J)

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