

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42759 of 2022

Arising Out of PS. Case No.-442 Year-2019 Thana- KUCHAIKOTE District- Gopalganj

HASINDRA YADAV S/O NATHUNI YADAV Resident of village- Rampur
Madho, P.S.- Kuchaikote, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India Narcotics Control Bureau (N.C.B) BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate
		Mr. Harendra Prasad, Advocate
For the Opposite Party/s	:	Mr. Md. Aatur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

18 20-12-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Kuchaikote P.S. Case no.442 of 2019 registered under sections 20 and 22 of the N.D.P.S. Act.

3. As per the prosecution case, on a raid being conducted, total quantity of 178 kg of *ganja* packed in nine sacks were recovered from the house of the petitioner and the truck parked in front of the house. *Ganja* was also being unloaded from the truck in question. A motorcycle was also recovered.

4. It is submitted by learned Senior counsel for the petitioner that the petitioner has been falsely implicated in the



case because of his antecedent. No incriminating article has been recovered from the exclusive possession of the petitioner or his newly constructed house. He is in no way connected with the alleged crime. The so called recovery has taken place from the truck which was standing on the road and the petitioner is neither the owner nor the driver of the said truck. The prosecution has wrongly and maliciously shown recovery of half of the quantity of *ganja* from his newly constructed house only to falsely implicate him because of his antecedent. The mandatory provisions of sections 42, 50, 52 and 55 of the NDPS Act have not been complied with. The petitioner is in custody since 17.9.2021 and chargesheet has been submitted in the case. He undertakes to cooperate in the trial.

5. The application for bail is opposed by learned A.P.P. for the State who submits that not only huge quantity of 178 kg of *ganja* was recovered from the house and truck in question, the petitioner was also arrested from the spot.

6. A report was called for from the learned trial Court. As per the report received contained in letter dated 1.11.2023 from the 1st Additional Sessions Judge, Gopalganj, cognizance was taken on 29.11.2022 and the case was fixed for framing of charge and the counsel did not appear for hearing. Learned trial



Court states that there being a total of 7 witnesses, the case is likely to conclude within 8 months if the parties cooperate in the trial.

6. Having heard learned counsel for the parties and taking into consideration the recovery of 178 kg of *ganja* from the house of the petitioner and the truck parked in front of the house of the petitioner, the petitioner having been arrested at the spot and the contents of the report received from the learned trial Court, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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