

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48506 of 2023

Arising Out of PS. Case No.-96 Year-2021 Thana- BITHAN District- Samastipur

ARBIND KUMAR Son of Ganga Prasad @ Ganga Prasad Mahto Resident of
village - Bithan Bazar, P.S. - Bithan, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sujit Kumar Singh

For the Opposite Party/s : Mr. Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 07-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection
with Bithan P.S. Case No. 96 of 2021 instituted for the offence
under Sections 20 and 22 of the N.D.P.S. Act.

3. As per F.I.R., prosecution case relates to recovery
of 35 kg. Ganja like substance from the house of the petitioner
and he managed to escape.

4. Learned counsel for the petitioner submits that
petitioner is innocent and committed no offence. He has falsely
been implicated in this case. The petitioner has no concern with
the alleged ganja, which was recovered from the joint ancestral
house of the petitioner. It is further submitted that the provision
of N.D.P.S. Act has not been followed properly. Moreover, the



petitioner is languishing in judicial custody since 3.5.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the petitioner was apprehended on spot from whose possession, *ganja* like substance was recovered which is said to be **35 kg** and the same comes within purview of commercial quantity. It is also submitted that witnesses of this case have also supported the prosecution.

6. Having heard the learned counsel for the parties and considering the commercial quantity of the contraband substance, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

7. The trial Court is directed to expedite the trial and conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

sushma/-

U			
---	--	--	--

