

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.46906 of 2023

Arising Out of PS. Case No.-130 Year-2023 Thana- PIRPAINTI District- Bhagalpur

AKASHDEEP RAJ, aged about 26 years, Gender, Male, SON OF BIBHASH BIHARI JAISWAL @ MUNNA JAISWAL RESIDENT OF VILLAGE - KISHANDASPUR, P.S. - BUDHUCHAK, DISTRICT – BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tarun Prasad Mandal, Advocate

For the Opposite Party/s : Mr.Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL ORDER

- 2 31-07-2023 1. Heard learned counsel for the petitioner and the learned APP for the State.
2. Petitioner seeks regular bail in connection with Pirpainti P.S. Case No. 130 of 2023 corresponding to N.D.P.S. Case No.57 of 2023 dated 25.04.2023 registered for the offence(s) punishable under Section(s) 8(C), 22(C) of NDPS Act.
3. As per prosecution, 296 grams of smack like material is said to have been recovered from the possession of this petitioner.
4. The main submissions advanced by the learned counsel for the petitioner are that petitioner has fair and clean antecedent and the alleged contraband was not recovered from



his possession rather the same was planted, the seizure memo concerned to the seized narcotic material is completely suspicious as in the column of place of recovery it is not mentioned that the alleged contraband was recovered from the possession of this petitioner, though in column of the details of the seized contraband the recovery has been shown as having been made from the possession of this petitioner, who has been languishing in jail since 26.04.2023.

5. Learned APP appearing for the State has opposed the bail prayer.

6. Heard both the sides and perused the FIR and the seizure memo. The instant matter relates to recovery of 296 grams of smack like material which comes in the category of commercial quantity and as per FIR, the alleged seized contraband was recovered from the conscious possession of this petitioner and co-accused. Considering the seriousness of allegation appearing against this petitioner, in my view, this is not a fit case for bail to the petitioner. Accordingly, his bail prayer stands rejected.

7. The trial Court is directed to expedite the trial of this petitioner and take steps to conclude the same in the next one year. If the trial of the petitioner is not concluded within the



said period then the petitioner may renew his bail prayer.

(Shailendra Singh, J)

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