

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47748 of 2022

Arising Out of PS. Case No.-26 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Kishanganj

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GOPAL DAS Son of Late Aranto Das Resident of Village - Gerimari, P.s.-
Manguldoi, Distt.- Darrang (Assam)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Adv.

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 13-02-2023 The learned counsel for the petitioner is directed

to remove all the defects pointed out by the Stamp Reporter

within one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with P.T.N.
No. 09 of 2022 (PR No.26/21-22) C.C No. 01 of 2022 registered
for the offences punishable under Sections 20(b)(ii)(c) and 25 of
the N.D.P.S. Act.

As per the prosecution, while the informant along
with other police personnel acting upon a secret information
apprehended this petitioner with other co-accused person who
were coming in a car and upon conducting search of the car,

42.100 Kg. of *Ganja* was recovered.

The main submissions advanced by learned counsel Mr. Radha Mohan Singh appearing for the petitioner are that as per the prosecution's story, the petitioner was apprehended from the alleged vehicle in the capacity of a driver and at that time the owner of the said vehicle namely Madan Nath was also apprehended along with this petitioner and the seizure memo/list in respect of the recovered contraband was not made at the place of occurrence and after seizing the said contraband, no sample was taken by the concerned police party which is completely a violation of the Central Government's order no. 01/1989 dated 13.06.1989 which was issued to bring uniformity in respect of seizing, sampling and disposing of the seized contraband. Further submission is that the petitioner has been languishing in jail since 02.01.2022.

Learned APP Mr. Syed Mojibur Rahman appearing for the State has opposed the bail prayer.

Having considered the recovery of 42.100 Kg. Narcotic material namely *Ganja* which comes in the purview of commercial quantity and the petitioner was apprehended from the alleged vehicle, from which the said recovery was made, in the opinion of this Court it is not a fit case for grant of bail.

Accordingly, his bail prayer stands rejected.

The petitioner is given a liberty to renew his bail prayer after one year if any progress in respect of his trial is not made.

(Shailendra Singh, J)

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