

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54384 of 2023

Arising Out of PS. Case No.-29 Year-2023 Thana- DUMARIYA District- Gaya

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JOGENDRA SINGH BHOKTA Son of Ram Swarup Singh @ Ram Swarup
Singh Bhogta Resident of village - Pichhuliya, P.S. - Madanpur, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha

For the Opposite Party/s : Mr. Ram Sevak Choudhary

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 04-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Dumaria P.S. Case No. 29 of 2023 instituted for the offence under Sections 18, 20 and 22 of the N.D.P.S. Act.

3. As per F.I.R., prosecution case relates to recovery 8 kilogram liquid material from motorcycle of the petitioner which was kept in four plastic bags. On interrogation, petitioner disclosed that the said liquid is opium milk.

4. Learned counsel for the petitioner submits that the petitioner is innocent and committed no offence. He has falsely been implicated in this case. The alleged motorcycle belongs to Binod Singh. It is further submitted that the provision of Section 50 of N.D.P.S. Act has not been followed properly. Provision of



Section 100 CR.P.C. has not been followed by the police officials while preparing the seizure list. Moreover, the petitioner is languishing in judicial custody since 3.4.2023.

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, eight kilogram opim milk, was recovered from a motorcycle which was being driven by the petitioner. The opium milk used for extracting the contraband item (morphine). 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 and conclude the trial within nine months, failing which the petitioner will be at liberty to renew his prayer for bail.

(Sunil Kumar Panwar, J)

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