

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58643 of 2023

Arising Out of PS. Case No.-240 Year-2021 Thana- BARHIYA District- Lakhisarai

Prakash Mahto Son Of Bharat Mahto Resident Of Tirasi Tola Jaitpur Ward
No.13, P.S. - Barahiya, District - Lakhisarai

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Vinay Pd. Singh

For the Opposite Party/s : Mr.Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 21-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Barahiya P.S. Case No. 240 of 2021 instituted for the offence under Sections 8/20(b)(ii)(c) & 29 of the N.D.P.S. Act.

3. As per F.I.R., prosecution case relates to recovery of *Ganja* like contraband substance i.e. 282.190 kg from a hut situated behind the house of the petitioner. The petitioner was fled from place of occurrence who is said to have indulged in trade of contraband.

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 petitioner has no concern with the alleged recovery of *Ganja* like contraband substance. He



was not arrested on spot nor any incriminating article has been recovered from his conscious possession. One co-accused Pintu Mahot disclosed the name of the petitioner who was apprehended on spot by the police. Moreover, the petitioner is languishing in judicial custody since 17.1.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the petitioner is named in the FIR and from behind his house, Ganja like narcotic substance was recovered which is said to be 282.190 kg and the same comes within purview of commercial quantity as per N.D.P.S. Act. It is also submitted that witnesses of this case have supported the prosecution. The petitioner has also got one criminal antecedent of similar nature.

6. Having heard the learned counsel for the parties and considering the seized *Ganja* is huge in quantity, 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)

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