

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57197 of 2022

Arising Out of PS. Case No.-49 Year-2021 Thana- ISHAKCHAK District- Bhagalpur

Adarsh Kumar Choudhary @ Adarsh Choudhary Son of Late Mahesh Choudhary Resident of Mohalla- Surkhikal, P.S.- Barari, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha
For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

4 24-03-2023 Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the State.

The petitioner is seeking regular bail in connection with Ishakchak P.S. Case No. 49 of 2021, registered for the offences punishable under Section 18 (c), 27 (b) (ii), 28, 28(A), 36(AC) of Drugs and Cosmetic Act 1940 Amendment Act 2008, and Section 8, 20, 21 of N.D.P.S. Act

As per allegation, the police got an information that co-accused Mehnaj@ Kabutari has stored cough syrups and other intoxicating material, including *Ganja* etc. The police raided her house and one person was arrested while fleeing away. In that house, an old person and a lady were present, who disclosed their names as Mehnaj @ Kabutari and Md. Haider



Ali. They apprised the name of the petitioner, who fled away with Md. Gulab @ Badshah. Some prohibited syrups and *Ganja* were recovered from the place of occurrence. 194 bottles of cough syrup and 90 bottles of prohibited cough syrup were also recovered. Later on, the house of the petitioner was also raided. The police notice that a person was fleeing away from his house. His house was also searched and 1 kg of a semi liquid brown sugar and 140 gram of *Ganja* were recovered, along with some intoxicated tablets. Nobody was present in that house. Co-accused Mehnaj @ Kabutari has confessed that she used to purchase those articles from the petitioner.

The learned counsel for the petitioner has submitted that the petitioner was not arrested at the spot, though he is owner of the house, wherefrom brown sugar and *Ganja* were recovered, but the house was in abandoned condition. He has submitted further that Md. Haider Ali and Mehnaj @ Kabutari have been granted bail by a co-ordinate Bench of this Court.

It appears that 1 kg of semi liquid brown sugar and 140 gram of *Ganja* were recovered from the house of the petitioner. He is also accused in three cases of Bihar Prohibition and Excise Act.

Considering the facts and circumstances, especially



the criminal antecedent, the petitioner does not deserve the privileges of bail. Accordingly, it is rejected.

The learned trial court is directed to take every endeavor to disposed of the trial within a period of nine months. If the trial is not concluded within nine months, the petitioner may renew his prayer for bail.

(Nawneet Kumar Pandey, J)

Kundan/Nirmal

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