

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54948 of 2022

Arising Out of PS. Case No.-312 Year-2022 Thana- KISHANGANJ District- Kishanganj

Md. Sajjad Son of Late Dabir R/O Village- Panjipara Basti, P.S.- Gwalpokhar,
District- Uttar Dinajpur (WEST Bengal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Manoj Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

6 15-03-2023 Heard learned counsel for the petitioner and the learned APP
for the State.

Petitioner seeks regular bail in connection with Kishanganj
P.S. Case No. 312 of 2022 registered for the offence punishable
under Sections 8/20(b)(ii)(C) of the NDPS Act.

As per the prosecution, the police personnel while patrolling
apprehended this petitioner and upon search total 21.094 kilogram of
narcotic material suspected to be ‘ganja’ was recovered from his
possession.

The main submissions advanced by learned counsel for
petitioner are that in fact the alleged three bags containing the alleged
contraband were recovered from an abandoned place and the
petitioner was arrested on 03.08.2022 but he was produced before the
Court concerned on 05.08.2022 and he is suffering from serious
ailments and nothing as alleged in the FIR was recovered from his
possession and he is a victim of false implication and he was arrested

mainly on the basis of suspicion. Further submission is that the mandatory provisions of Section 50 of the NDPS Act were not followed by the police while making search and seizure of the alleged contraband and the alleged recovered contraband is less than commercial quantity and the petitioner has been languishing in jail since 03.08.2022. It is further submitted by petitioner's counsel that as per the prosecution the alleged contraband was recovered near a temple at 06:00 P.M. but no independent person was made as the witness of the seizure.

Learned APP for the State has opposed the bail prayer.

Considering the recovery of commercial quantity of contraband believed to be '*ganja*' from the conscious possession of the petitioner, in my opinion, it is not a fit case for bail to the petitioner. Accordingly, his bail prayer stands rejected.

As according to submission made by petitioner's counsel, charges have been framed against the petitioner hence, the Trial Court is directed to expedite the trial of the petitioner and take steps to conclude the same in the next one year, if the petitioner's trial is not concluded in the said period then the petitioner may renew his bail prayer.

(Shailendra Singh, J)

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