

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56120 of 2022

Arising Out of PS. Case No.-460 Year-2019 Thana- SHERGHATI District- Gaya

RAHUL KUMAR @ RAHUL KUMAR SINGH Son of Late Shiv Shankar
Singh Resident of House No.- 205, Sodh and Mulyankan Forest Department,
Gamhariya, P.S.- Adityapur, District - Saraikela, Kharsawan (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rama Kant Singh

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 17-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in connection with
Sherghati (Dobhi) P.S. Case No. 460 of 2019 instituted for the
offence under Sections 18/20/22 of the NDPS Act.

As per allegation in the FIR, the informant got
information about a Bolero Pick-Up vehicle bearing
Registration No. JHO-5C6-8470 which is standing on G.T. Road
in abandoned condition. The informant along with other police
officials reached there and recovered total 150 Kg Ganja kept in
30 packets from the said vehicle. Accordingly, seizure list was
prepared.

Learned counsel for the petitioner submits that the



petitioner is innocent and committed no offence. The petitioner is not named in FIR and he has falsely been implicated in this case. Petitioner has no concern with the alleged recovery of ganja or with the said vehicle. After verification, it came to know that the owner of the vehicle is one Pradeep Rai. Nothing incriminating article has been recovered from the conscious possession of the petitioner. A statement has been made in para- 3 of the petition that the petitioner has got no criminal antecedent. The petitioner is languishing in judicial custody since 27.7.2022.

Learned APP appearing for the state has opposed the prayer of regular bail and submitted that according to case diary, witness Bijendra Prasad Sahu has taken the name of the petitioner as driver of the vehicle from where the incriminating ganja has been seized and the said vehicle was in the possession of the petitioner at the time of incident. The alleged recovery of ganja comes within preview of commercial quantity as per N.D.P.S. Act. According to FSL report, the dry greenish brown flowering & fruiting like vegetable substances contained in the cloth packet as described was found to be Ganja containing Tetra Hydro Cannabinol (THC) as chief intoxicating ingredient.

Having heard the learned counsel for the parties and



considering the nature of allegation, this court is not inclined to
enlarge the petitioner on bail and, as such, his prayer for bail
stands rejected.

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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