

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56287 of 2022

Arising Out of PS. Case No.-103 Year-2022 Thana- MANPUR District- West Champaran

AKBAR GADDI @ AKABAR GADI Son of Sadik Gaddi @ Sadik Gadhi
R/V- Chakrsan, P.S- Manpur, Dist- West Champaran (Bettiah)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rohit Kumar

For the Opposite Party/s : Mr.Ram Priya Sharan Singh

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

5 23-03-2023 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 Manpur P.S. Case No. 103 of 2022 registered for offence punishable under sections 8, 20 (b) (ii) (C), 23 (C), 29 of the Narcotic Drugs and Psychotropic Substances Act.

As per allegation, when the police party attempted to stop the vehicle of the petitioner, the driver of that vehicle succeeded in fleeing away, but two accused persons including the present petitioner, who were boarded in the vehicle, were arrested by Seema Suraksha Bal (SSB). The personnel of SSB conducted search and 30 Kgs. of *Ganja* was recovered from that vehicle.

The learned counsel for the petitioner has submitted that though the alleged *Ganja* is said to have been recovered in



presence of the members of Seema Suraksha Bal, but their signatures are not taken on the seizure list. He has submitted further, by filing a supplementary affidavit, that without obtaining the F.S.L. report, the charge sheet has been submitted and considering that aspect of the matter, the coordinate Benches of this Court in similar nature of another case has granted bail to the two co-accused persons in Cr. Misc. No. 21326 of 2021 and Cr. Misc. No. 56364 of 2021.

On the other hand, the learned APP has opposed the prayer for bail and submitted that the personnel of SSB had conducted search and recovered commercial quantity of *Ganja* from the vehicle of the petitioner and made a seizure list. They are not aware of the legal provisions of seizure list and it was the reason that they missed to take signatures of the witnesses on the seizure list.

Considering the fact that the commercial quantity of *Ganja* was recovered from the vehicle of the petitioner, he does not deserve the privilege for bail, which is hereby rejected.

(Nawneet Kumar Pandey, J)

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