

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60401 of 2022**

Arising Out of PS. Case No.-326 Year-2020 Thana- BOCHAHAN District- Muzaffarpur

CHOTU SAHNI @ CHHOTU SAHNI S/O Vansh Lal Sahani R/O- Village-
Sanathi, P.S- Bochahan, District- Muzaffarpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Shekhar Pandey, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

4 18-01-2023 Heard learned counsel for the parties.

The petitioner has renewed his prayer for bail in a case under sections 20 and 22 of the NDPS Act and sections 25(1-B)(a), 26 and 35 of the Arms Act.

As per the prosecution case, the petitioner was amongst the accused who was caught and on search from the vehicle in question 10.2 kgs of *ganja* and about 1 kg of *charas* besides a loaded country made pistol was recovered.

The earlier application for bail of the petitioner was rejected vide order dated 28.2.2022 (Annexure-1) passed in Cr. Misc. no. 29678 of 2021.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from his possession. He has been falsely implicated in the case. There



has been violation of section 50 of the NDPS Act and section 100(4) of the Cr.P.C. in search and seizure of the alleged narcotic. The consideration of bail to the petitioner, even accepting quantity of the narcotic recovered to be commercial quantity is not absolutely barred in view of section 37 of the NDPS Act. Neither any independent witness was present at the time of search and seizure nor any reason has been assigned by the Police Officer concerned. The petitioner is in custody since 4.12.2020 and has no criminal antecedent.

Learned A.P.P. for the State opposes the prayer for bail. It is submitted by learned counsel for the State that pursuant to the order of this Court dated 4.1.2023 the Investigating Officer of the case is present in Court along with the report of the Forensic Science Laboratory, Muzaffarpur from which it would be evident that the substance seized in the raid was found to be *charas* by the FSL, Muzaffarpur. It is submitted that the quantity seized is commercial quantity and as such prayer for bail be rejected.

Having heard learned counsel for the parties and taking into consideration the seizure of 1 kg of *charas* which happens to be commercial quantity under the NDPS Act together with the petitioner having been arrested on the spot



along with same and the contents of the narcotics having confirmed in the report of the Forensic Science Laboratory, Muzaffarpur, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

Bibhash/-

U			
---	--	--	--

