

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62853 of 2022

Arising Out of PS. Case No.-527 Year-2021 Thana- BIDUPUR District- Vaishali

Chhotu Kumar S/O Shiv Chandra Das R/O Village- Nawangar, P.S.- Bidupur,
Distt- Vaishali.

... .. Petitioner/S

Versus

The Union of India Delhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Sinha, Adv.

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 25-02-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Bidupur P.S. Case No. 527 of 2021 lodged under Sections 20(b)
(1)(c)/23(c)/27(A)/29 of the N.D.P.S. Act.

As per the prosecution case, total recovery of 22kg
600gm *ganja* has been recovered from the possession of the
petitioner.

Learned counsel for the petitioner submits that gross
violation in recovery has taken place because there is no
independent witness in the seizure list. Counsel submits that
there is violation of Sections 50 and 55 of the N.D.P.S. Act.

Counsel submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 30.10.2021 having four criminal antecedents.

Learned counsel for the State vehemently opposes the prayer for bail and submits that from the order-sheet of the Session Court, it transpires that the said material was sent to the F.S.L. and the F.S.L. report confirms that it is *ganja*. He further submits that the amount recovered was 22kg 600gm, which is commercial quantity and there is no discrepancy in the seizure list.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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