

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61502 of 2022

Arising Out of PS. Case No.-176 Year-2022 Thana- AMBA District- Aurangabad

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AKASH KUMAR SON OF RAJU SAW R/O VILLAGE AND P.S.-
HARIHARGANJ, DISTRICT- PALAMU, JHARKHAND

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vikas Kumar Jha

For the Opposite Party/s : Mr.Satyendra Narayan Singh

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

7 01-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case instituted
for the offence under Sections 8/20(b)(ii)(c) and 25 of the N.D.P.S.
Act.

3. As per prosecution case, there has been recovery of
28.5 Kg *Ganja* like substance from a motorcycle.

4. It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has
committed no offence. He submitted that the procedure to identify
the goods was very surprising, which is only one packet were
identified by the Circle Officer and SHO (informant) and it was
presumed by the officers that all the packets were also filled by
Ganja. The provision of Section 50 of the NDPS Act has not



followed in this case, while preparing the seizure list. Petitioner is languishing in judicial custody since 28.07.2022.

5. Learned APP for the State has opposed the application for bail and submitted that petitioner has apprehended on spot. He submitted that all the procedures of the N.D.P.S. Act have been followed in respect of seized articles, which is mentioned in vide paras- 29, 30, 36 and 37 of the case diary. He further submitted that the seized *Ganja* like substance come within the purview of commercial quantity. During investigation several witnesses have also supported the prosecution case.

6. 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.

7. The trial Court is directed to conclude the trial expeditiously.

(Sunil Kumar Panwar, J)

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