

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64109 of 2022

Arising Out of PS. Case No.-44 Year-2022 Thana- PALANWA District- East Champaran

MANOJ SAHANI SON OF BANARSI SAHANI R/O VILL.- SARAIYA
PANDEY TOLA, P.S.- GOVINDGANJ, DISTT.- EAST CHAMPARAN

... .. Petitioner/s

Versus

1. THE UNION OF INDIA THROUGH HC/GD DILIP KUMAR SINGH, ID NO. 11070802, 47TH BN, D COY, SSB, BHELAHI BIHAR
2. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Anand Tiwari, Adv.
For the State	:	Mr.Shyameshwar Dayal, APP
For the UOI	:	Mr.Ram Anurag Singh, CGC

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

4 03-04-2023 Heard learned counsel for the petitioner as well as learned APP for the State.

In this case, the petitioner is seeking regular bail in connection with Palanawa (Bhelahi O.P.) P.S. Case No. 44 of 2022, registered for the offences punishable under Sections 20(b)(ii)(B) of the NDPS Act.

As per allegation, having seen the police party, the petitioner started fleeing away, after throwing his belongings. He was arrested and 25 kg of *ganja* was recovered from his belongings.

The learned counsel for the petitioner has submitted that nothing was recovered from conscious possession of the



petitioner. The allegation shows itself that before being in clutches of the police, the petitioner had already thrown his belongings. He has submitted further that he was given an option to be searched before Magistrate or a Gazetted Officer, but he had chosen to be searched in presence of police party available there and Section 20 of the NDPS Act was not complied with.

The learned counsel for the Union of India has opposed the prayer for bail.

Considering the above-mentioned facts and circumstances as well as the quantity of recovered ganja, I do not think it a fit case for bail. Accordingly, it is rejected.

(Nawneet Kumar Pandey, J)

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