

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.67297 of 2022**

Arising Out of PS. Case No.-151 Year-2022 Thana- SUGAULI District- East Champaran

ROSE MOHAMMAD MIYAN Son of Late Isha Rahman Miyan Resident of  
Village- Sripur Bhatwaliya, P.S.- Sugauli, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Dhannjay Kumar No 2

For the Opposite Party/s : Mr.Umanath Mishra

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

5      20-06-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner has prayed for bail in a case registered  
for the offence punishable under sections 8, 20(b), 11(c ) of the  
NDPS Act.

Prosecution case relates to recovery of 300 gram ganja like  
substance from the pocket of the petitioner and 30.700 kg. from  
his hut.

Learned counsel appearing on behalf of the petitioner  
has submitted that petitioner is innocent and has committed no  
offence. He has been falsely implicated in this Case. No local  
person was made as a witness of the seizure list rather seizure  
list witnesses are police personnel. There is complete violation  
of provision of Section 50 of the NDPS Act. The recovered



quantity of 300 gram ganja like substance from the pocket of the petitioner comes below the commercial quantity. Petitioner has got no criminal antecedent and languishing in judicial custody since 18.3.2022.

Learned APP appearing for the State has opposed the prayer of Bail and submitted that petitioner is indulged in business of contraband article. Apart from recovery of 300 gram ganja like substance from his pocket, 30.700 kilogram has been recovered from his hut which is more than the commercial quantity.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

The trial court is directed to expedite and conclude the trial.

**(Sunil Kumar Panwar, J)**

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