

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69888 of 2023

Arising Out of PS. Case No.-298 Year-2023 Thana- RAMNAGAR District- West Champaran

Afroz Khan @ Chhote Khan, son of Late Jalaluddin Khan, resident of
Village- Meghwal Mathiya P.S- Ramnagar District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Ramnagar P.S. Case No. 298 of 2023, registered for the alleged offence under Sections 20, 22 and 22(c) of N.D.P.S Act.

3. As per prosecution case, the police received secret information about the petitioner and co-accused Bechu Khan bringing a consignment of *Ganja*. The police party laid a trap and two persons coming on a motorcycle were signaled to stop, who tried to flee away, but the person, who was driving the motorcycle was apprehended and another person, who was holding a yellow colour bag while sitting on the motorcycle, fled away from the spot. The petitioner is the apprehended



person. From the bag, which was being held by the co-accused, who fled away, about 10 Kg of *Ganja* was recovered.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. From the FIR, it is apparent that recovery of *Ganja* has not been made from the possession of the petitioner, rather it has been made from the bag, which was thrown away by the co-accused Bechu Khan. The charge sheet has been submitted in this case without obtaining FSL Report. So it could not be said with certainty that seized contraband was *Ganja*. The motorcycle, which was seized by the police, does not belong to this petitioner and it is in the name of the wife of co-accused Bechu Khan. Even there is manipulation of the date of seizure list as the date was manipulated from 27.06.2023 to 28.06.2023 and it does not show recovery was made from the possession of the petitioner. The petitioner is in custody since 28.06.2023. The petitioner has got no criminal antecedent.

5. Learned APP opposes the submissions made on behalf of the petitioner. The learned APP submits that the petitioner was caught red handed while he and co-accused carrying 10 Kg of *Ganja*, which was recovered by the police.

6. Having regard to the facts and circumstances and



submissions made hereinabove and considering the quantity of *Ganja* recovered from the possession of the petitioner, I am not inclined to enlarge the petitioner on bail.

7. Accordingly, his prayer for grant of bail is rejected.

8. The learned trial court is directed to expedite the trial and conclude the same within one year.

9. The Superintendent of Police, Bettiah, West Champaran is directed to ensure the presence of prosecution witnesses on each and every date fixed before the learned trial court. In case, the Superintendent of Police fails to produce the witnesses on the date fixed, he will be present before this Court physically to explain his conduct.

(Arun Kumar Jha, J)

V.K.Pandey/-

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