

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72521 of 2023

Arising Out of PS. Case No.-415 Year-2021 Thana- DHANARUA District- Patna

DINESH KUMAR SHARMA SON OF RAM NARAYAN DAS @ RAM
NARAIN DAS R/O VILLAGE- GHOGHA PAKKI SARAI, P.S.- GHOGHA,
DISTRICT- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Niranjan Parihar, Advocate

For the Opposite Party/s : Mr.Mohammed Arif, A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-12-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

2. The present petition is by way of second attempt at the behest of the petitioner for grant of regular bail in connection with Dhanarua P.S. Case No. 415 of 2021, registered for the offences punishable under Sections 20(b) (ii) (c) and 29 of the N.D.P.S. Act, inasmuch as the prayer of the petitioner for grant of regular bail was rejected earlier by this Court, vide order dated 04.01.2023, passed in Criminal Miscellaneous No. 22646 of 2022.

3. The case of the prosecution, in brief, is



that upon the informant having received secret information that ganja was being carried on a white car from Arah to Bhagalpur, the informant along with his police team started checking vehicles near Charpolwa on Patna Gaya main road, during the course whereof, the police force apprehended a car, from which the accused persons including the petitioner herein were apprehended and upon search, 59 kgs. of ganja was recovered.

4. The learned counsel for the petitioner has submitted that the petitioner is languishing in custody since 30.11.2021, and there is no progress whatsoever, in the ongoing trial, hence a sympathetic view be taken and the petitioner be granted the privilege of bail.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail and has submitted that since the quantity of ganja seized is 59 kg., which is much more than the commercial quantity defined in the Schedule notified under the provisions of the N.D.P.S. Act,



1985, hence considering the stringent provisions contained under Section 37(1)(b) of the NDPS Act, 1985, no sympathy be shown to the petitioner.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record, this Court finds that there is no change in circumstance, so as to warrant re-consideration of the prayer of the petitioner for grant of regular bail, hence I do not find any merit in the present petition, thus the same stands dismissed.

(Mohit Kumar Shah, J)

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