

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70530 of 2022

Arising Out of PS. Case No.-15 Year-2022 Thana- BEUR District- Patna

Deepak Kumar Son Of Late Baleshwar Prasad Resident Of Sipara, P.S- Beur,
Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarandha Suman

For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 04-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in connection with
Beur P.S. Case No. 15 of 2022 instituted for the offence under
Sections 8, 20(b) (ii) (c) and 22 (c) of the N.D.P.S. Act.

Prosecution case is short, is that, a secret information
received that at petitioner's house an illegal business of ganja
like substance was going on, after which a raid was conducted at
his house. Further, during the search, total seven sacks were
recovered from which ganja like substance weighing around 65
kilograms have been recovered.

It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this present case. It



is further submitted from para- 10 of this petition that the petitioner is made accused only because he is the owner of the alleged house besides that there is no material to even remotely connect the petitioner with the alleged crime. The FIR shows disclosure made by co-accused, Pankaj Kumar, about the complicity of the petitioner, who is owner of the house. Further it is clear from the fact that the sacks were recovered from the rented rooms of the alleged house and not from the possession of the petitioner and it is stated that the said rooms are not in physical control of the petitioner and has no concern with any of the materials kept therein. It is also submitted that the provision of Section 100 of the Cr.P.C. has not been followed in this case. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. He is languishing in judicial custody since 06.01.2022.

Learned APP appearing for the state has vehemently opposed the prayer of regular bail and submitted that the recovered ganja like substance is more than commercial quantity as per N.D.P.S. Act and the recovery has been made from the house of the petitioner.

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.

The trial court is directed to expedite the trial and conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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