

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77401 of 2023

Arising Out of PS. Case No.-170 Year-2021 Thana- DAGARUA District- Purnia

Safikul Miyan, Son of Abu Bakar Sheikh, Resident of Village - Dakshin Pathkaoara, P.S.- Alipur Dawar, District - Alipur Dawar (W.B.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal, Advocate

For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-11-2023 Heard learned counsel for the petitioner and learned APP for the State.

2. In the present case, the petitioner has renewed his prayer for bail in connection with Special Case No. 52 of 2021, arising out of Dagarua P.S. Case No.170 of 2021, having earlier been rejected by order dated 23.08.2022 passed in Cr. Misc. No. 63822 of 2021, registered for the alleged offences under Sections 8, 20(b)(ii)(c), 25 and 29 of the NDPS Act.

3. As per prosecution case, recovery of 85.60 Kg *ganja* was made from a secret compartment of the vehicle of the petitioner during checking of vehicles.

4. The learned counsel for the petitioner submits that the petitioner is in custody since 28.06.2021 and the trial has not been concluded till date. The learned counsel further submits that nothing has been recovered from conscious



possession of the petitioner. The petitioner is not the owner of the seized vehicle. There are procedural irregularities as there is no compliance of Section 57 of the NDPS Act. The recovered articles were not seized at the spot and there has been possibility of tempering. There is further violation of Section 42 of the NDPS Act.

5. Learned APP opposes the prayer for bail submitting that huge quantity of ganja was recovered from the possession of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the prayer for grant of bail to the petitioner has been rejected on earlier occasion because of serious nature of allegation against the petitioner as well as recovery of huge quantity of contraband, I do not find that there is any substantial change of circumstances which will require consideration of the application for grant of bail at this stage again.

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

(Arun Kumar Jha, J)

V.K.Pandey/-

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