

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7266 of 2024

Arising Out of PS. Case No.-33 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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Rahul Raushan Son of Sikandar Thakur Resident of Village- Baghari, ward
No. 11, P.S.- Sursand, District- Sitamarhi

... .. Petitioner/s

Versus

The Union of India New Delhi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar, Adv.
For the U.O.I. : None

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 10-04-2024 Learned counsel for the petitioner is present, however,

no one appears on behalf of the Union of India in spite of the

fact that copy has been served to the office of Union of India

and the name of counsel for Union of India is also showing in

the list but no one present to defend this case.

2. The petitioner seeks regular bail in connection with

C2 Case No. 02 of 2021, arising out of Government Official

Complaint P.S. Case No. 33 of 2021, lodged under Sections

8(c), 20(b)(ii)(c), 25 & 29 of the N.D.P.S. Act.

3. Learned counsel for the petitioner submits that the

petitioner has earlier moved before this Hon'ble Court vide

order dated 03.11.2022 passed in Cr. Misc. No. 23335 of 2022,

in which he has withdrawn the bail application and filed the

present criminal miscellaneous for grant of regular bail to the

petitioner. He submits that the recovery of 125 kg *ganja* has

been the subject matter of the present case but petitioner is nowhere involved in the said matter. He has categorically disclosed that the said *ganja* belongs to other person and only in greed of money of Rs. 5,000/-, he sat over the matter. He further submits that the petitioner is completely innocent. He further submits that the antecedent of the petitioner is clean and he is in custody since 14.12.2021. He is relying on the judgment of ***Ghanso @ Kalo Vs. State of Punjab*** vide order dated 31.05.2022, CRM-M-20629 of 2022 in which prayer for regular bail of the petitioner has been allowed considering the period of custody.

4. Learned counsel for the State opposes the prayer for bail and submits that quantity of *ganja* recovered is five times more than the commercial quantity.

5. In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner and therefore, his bail petition is hereby rejected at present.

(Dr. Anshuman, J)

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