

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10398 of 2024

Arising Out of PS. Case No.-314 Year-2022 Thana- BARAUNI RAIL P.S. District- Begusarai

Md. Masum @ Paw Roti, Male aged about 22 years, Son of Late @ Md. Hakhan @ Md. Harun, Resident of Village- Bichla Tola Fulwaria, Barauni Ward No. 4, Ps. Fulwaria, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 21-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Barauni Rail PS Case No. 314 of 2022 instituted for the offences punishable under Sections 8, 20(B)II(B) of the N.D.P.S. Act, 1985.

3. As per the prosecution case, total 13.499 Kg of *Ganja* has been recovered from the conscious possession of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case. It is further submitted that the alleged articles were not seized at the place of occurrence rather the alleged articles were seized at the other place. It is



further submitted that the seizure list and the sample not appears to be complied with the present case.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, case diary, seizure list and the impugned order of the learned Additional District and Sessions Judge-1st, Begusarai dated 31.10.2023, it appears that total 13.499 kg of *Ganja* has been recovered from the conscious possession of the petitioner and 2.04 kg of *Ganja* has also been recovered from other co-accused. Signature of the petitioner is also on the seizure list and the seizure list of two witnesses have been signed who are official witnesses and not the independent witnesses. Petitioner having four criminal antecedent as stated in para 3 of the petition is in custody since 02.09.2022, in this circumstances, I am not inclined to grant bail to the petitioner.

7. Prayer for regular bail of the petitioner is hereby rejected.

8. Learned trial Court is directed to conclude the trial preferably within a period of one year from the date of receipt of a copy of this order

(Ramesh Chand Malviya, J)

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