

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.17806 of 2024

Arising Out of PS. Case No.-166 Year-2023 Thana- KATIHAR GRP CASE District- Katihar

Md. Sharif, aged about 70 years, Male, Son of Late Md. Kallu Resident of Mohalla Driver Tola, Ward No. 16, P.S.- Katihar Town, District-Katihar (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mrs. Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 21-03-2024 Heard learned counsel appearing on behalf of the parties.

2. The petitioner seeks bail in connection with NDPS Case No.22 of 2023 arising out of Katihar Rail P.S. Case No.-166 of 2023 pending from the Court of learned Additional Sessions Judge-IV, Katihar registered for the offence under Sections 8, 20(b)(ii)(C)/29 of the NDPS Act.

3. As per the prosecution case is that on 12.06.2023, the informant Sanjay Kumar Tiwary along with other police personnel were performing duty at Katihar Railway station, when they reached at platform no.6, they found that six steel windows parcel and when it was searched, ganja was found in those windows which was related to accused Md. Sharif (petitioner). On 14.06.2023, accused was apprehended who disclosed his name as Md. Sharif. On search, total 49.500 kg ganja were recovered from his possession which was kept in



those steal windows. The seizure list was prepared in this regard.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner has falsely been implicated in this case and petitioner has not booked any steel windows but the same has been booked by the company of the window and the petitioner was not even knowing that what was kept in the frame of steel window. Petitioner has clean antecedent as stated in para-3 of the petition and he is in custody since 09.10.2023.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. From perusal of the first information report, seizure list as well as impugned order dated 11.01.2024, it appears that 49.500 kg. ganja was recovered from the conscious possession of the petitioner and it is more than commercial quantity, I am not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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