

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53961 of 2024

Arising Out of PS. Case No.-401 Year-2023 Thana- BANIAPUR District- Saran

=====

Dharmendra Sah, aged about 52 years (Male), Son of Late Angad Sah, R/V-
Mohalla- Puchare, P.S.- Baniyapur, Distt.- Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner : Mrs. Mili Kumari, Advocate
For the Opposite Party : Mr. Rajendra Singh, A.P.P.

=====

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 08-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Baniapur
P.S. Case No. 401 of 2023 dated 25.09.2023 registered for the
offences punishable under Sections 8, 20(b)(ii)(c) of the
N.D.P.S. Act.

3. As per the prosecution case, 45.250 kg., of Ganja was
recovered from the paddy field which was kept by the petitioner.

4. Learned counsel for the petitioner has submitted that
the petitioner is innocent and has falsely been implicated in the
present case. It is submitted that the recovery of ganja has been
made from the open paddy field and the petitioner has no
concern with the open paddy field in question. It is submitted



that no incriminating article has been recovered from the conscious possession of the petitioner or from the house of the petitioner. It is further submitted that except an information furnished by the *spy* and *Mahal Chaukidar*, there is no cogent material against the petitioner. It is further submitted that after investigation, the charge sheet has been submitted in the present case. The other co-accused person Suresh Puri has already been granted anticipatory bail by a Bench of this Court vide Cr. Misc. No. 79595 of 2023 under order dated 25.01.2024. The petitioner has seven criminal antecedents and in six cases, he is on bail as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 28.01.2024.

5.Learned A.P.P. for the State has opposed the prayer for bail petition of the petitioner and submitted that 45.250 kgs of ganja is said to have been recovered from the paddy field which was kept by the petitioner. The seized contraband is the commercial quantity.

6. Considering the aforesaid facts and circumstances of the case as well as the recovery of commercial quantity i.e., ganja from the conscious possession of the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Baniapur P.S. Case No. 401 of 2023,



pending in the court of learned Sessions Judge, Saran, Chapra.

7. The application stands rejected.

(Chandra Prakash Singh, J)

U.K./-

U		T	
---	--	---	--

