

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54269 of 2023

Arising Out of PS. Case No.-266 Year-2021 Thana- BARHIYA District- Lakhisarai

PRAKASH MAHTO son of Bharat Mahto R/o- Tirasi tola Jaitpur Ward no-13, Ps- Barahiya Dist- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Vinay Pd. Singh

For the Opposite Party/s : Mr.Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 09-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Barahiya P.S. Case No. 266 of 2021 instituted for the offence under Sections 8/20(b)(c)(ii)/25/29 of the N.D.P.S. Act.

3. As per F.I.R., prosecution case relates to recovery of *ganja* like contraband substance i.e. 549.570 kg from four wheeler vehicle and the petitioner along with his associates were fled away from place of occurrence.

4. Learned counsel for the petitioner submits that the petitioner is innocent and committed no offence. He has falsely been implicated in this case. The petitioner has no concern with the alleged recovery of *ganja* like contraband substance. Neither the petitioner was apprehended on spot nor any incriminating article has been recovered from his conscious possession. It is



further submitted that the provision of N.D.P.S. Act has not been followed properly. Moreover, the petitioner is languishing in judicial custody since 21.2.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that although the petitioner was not apprehended on spot, he along with his associates were identified by local *chaukidar* while they were fleeing away from place of occurrence. The alleged recovery of *ganja* like narcotic substance is huge in quantity and is said to be 549.570 kg and the same is much more than commercial quantity as per the NDPS Act. It is also submitted that witnesses of this case have also supported the prosecution. The petitioner is a habitual offender who has got one similar nature of criminal antecedent.

6. Having heard the learned counsel for the parties and considering the huge quantity of seized *ganja*, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

7. The trial Court is directed to expedite the trial and conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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