

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60990 of 2023

Arising Out of PS. Case No.-33 Year-2023 Thana- PURAINI District- Madhepura

RAJESH SINGH S/o RAM CHANDRA SINGH R/o vill - Bhanu Nagar,
Sevak Road, ward no. 3, P.S. - Bhakti Nagar Sadar, Siliguri, Distt. - Jalpaiguri
(W.B.)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad

For the Opposite Party/s : Mr.Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 29-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Puraini P.S. Case No. 33 of 2023 instituted for the offence under Sections 8, 20(b)(ii)(C) of the N.D.P.S. Act.

3. As per F.I.R., on getting secret information about unloading of Ganja from an ambulance, police party proceeded towards place of occurrence and apprehended the petitioner and two ladies accused persons. They disclosed the name of other accused persons as of his associates, who managed to escape. On search, total 194.350 Ganja like substance was recovered from the ambulance and accordingly seizure list was prepared.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and committed no offence. Neither anything was recovered from his conscious possession nor from his house. The petitioner has no concern with the alleged recovery of *ganja* like contraband substance nor from the alleged ambulance. Provision of Section 100 CR.P.C. has not been followed by the police officials while preparing the seizure list. It is further submitted that the provision of N.D.P.S. Act has not been followed properly. Moreover, petitioner has got no criminal antecedent and languishing in judicial custody since 14.2.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the petitioner was apprehended on spot. As per F.S.L. report, Gaja is detected containing T.H.C. as their chief intoxicating ingredient. The quantity of recovered ganja is more than the commercial quantity. It is also submitted that witnesses of this case have also supported the prosecution.

6. Having heard the learned counsel for the parties and considering the commercial quantity of the contraband substance, 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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