

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65606 of 2024

Arising Out of PS. Case No.-313 Year-2023 Thana- SILAO District- Nalanda

Onkar Singh Son of Late Raj Kumar Singh village- Kadamtar, PS -Silao, Dist
-Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate

Mr. Deepak Bharti

For the Opposite Party/s : Mr. Deepak Dharti
Mr. Rabindra Kumar.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-09-2024 1. Heard learned Senior counsel for the petitioner and
learned A.P.P. for the State, Mr. Rabindra Kumar.

2. The petitioner seeks bail in connection with Silao P.S. Case No. 313 of 2023 registered for the offences punishable under Sections 8 and 20 of the NDPS Act.

3. Learned Senior counsel for the petitioner submits that petitioner had moved this Court earlier seeking anticipatory bail by filing Criminal Miscellaneous No. 16158 of 2024 and the same came to be rejected by an order dated 26.04.2024 on the ground that it was alleged against the petitioner that 27.955 kg of Ganja plant was recovered from his land.

4. The learned Senior counsel submits that petitioner is in custody since 13.05.2024. It is further submitted that



Section 2(b) of the NDPS Act, 1985 defines Ganja:-

ganja, that is, the flowering or fruiting tops of the cannabis plant (excluding the seeds and leaves when not accompanied by the tops) by whatever name they may be known or designated.

5. It is submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the cannabis which were recovered from the land of the petitioner does not fall within the definition of Ganja as recorded at Section 2(b) of the NDPS Act, 1985. It is further submitted that Ganja is defined as flowering or fruiting tops of the cannabis plant, (excluding the seeds and leaves when not accompanied by the tops) by whatever name they may be known or designated. It is, thus, submitted that the cannabis which were seized from the land of the petitioner were not the flowering or fruiting tops.

6. Learned A.P.P. for the State opposes the prayer for regular bail application of the petitioner and submits that allegation is of recovery of 27.955 kg of ganja plant, planted on the land of the petitioner. It is also submitted that it is not in dispute that the land does not belong to the petitioner, further the submissions made by the learned Senior counsel for the petitioner cannot be appreciated at this stage.

7. Considering the submissions made by the learned



APP for the State, the Court is not inclined to release the petitioner on bail for the present.

8. Accordingly, the instant regular bail application stands rejected.

(Satyavrat Verma, J)

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