

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72040 of 2023

Arising Out of PS. Case No.-423 Year-2022 Thana- Excise P.S. District- Purnia

Ekramul Miya S/O Md. Ali Miya @ Mahat Ali Miya Resident Of Village -
Nagar Singhimari, P.S.- Sheetal Kuch, P.S.- Kuch Bihar (West Bengal)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad

For the Opposite Party/s : Mr. Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 31-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection
with Excise P.S. Case No. 423 of 2022 instituted for the offence
under Sections 20(b)(i)(c) & 25 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. 123.219 kg from Innova
Car and three accused persons including the petitioner sitting
inside were apprehended after chase.

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 or the
the vehicle in question. 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 29.8.2022.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the petitioner was apprehended on spot. The quantity of recovered contraband material is beyond the commercial quantity. As per F.S.L. report, Ganja is detected containing T.H.C. as their chief intoxicating ingredient. It is also submitted that during investigation, several witnesses have also supported the prosecution.

6. Having heard the learned counsel for the parties and considering the huge quantity 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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