

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81672 of 2023

Arising Out of PS. Case No.-460 Year-2021 Thana- JOKIHAT District- Araria

Md. Wasique @ Md. Basik @ Ashik S/O Late Safimuddin R/O Village-
Chirah Ward No. 01, P.S- Mahalgaon (Jokihat), Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Jokihat (Mahalgaon) P.S. Case No. 460/2021 corresponding to
Special Case No. 37/2021, lodged on 21.09.2021 under Sections
8, 20(b)(ii) (c) of the NDPS Act.

3. As per the prosecution case, the FIR has been
lodged against three named accused persons including the
petitioner. The recovery of 17.840 kg of ganja is the subject
matter of the present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Though the
alleged ganja is of commercial quantity but it has not been



recovered from the conscious possession of the petitioner rather it has been recovered from a firewood house on the basis of disclosure made by other co-accused persons. The antecedent of the petitioner is clean and he is in custody since 14.08.2023.

5. Learned counsel for the State opposes the prayer for bail and submits that the said recovery has been made from the house of the petitioner and the recovered contraband is of commercial quantity.

6. In the present facts and circumstances, I am not inclined to grant regular bail to the petitioner.

7. Accordingly, the prayer for regular bail of the petitioner in connection with Jokihat (Mahalgaon) P.S. Case No. 460/2021 corresponding to Special Case No. 37/2021, pending before the learned Sessions Judge, NDPS Act, Araria is hereby rejected.

(Dr. Anshuman, J)

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