

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31110 of 2025

Arising Out of PS. Case No.-63 Year-2024 Thana- GHURNA District- Araria

Md. Hasnain @ Md. Hasnain Reza @ Hasnain Raza, S/o Md. Sahid @ Said Hussain, R/o Village- Pathraha, Ward No.- 12, P.S.- Ghurna, Distt.- Araria
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-05-2025 Heard Mr. Krishna Prasad Singh, learned Senior Advocate appearing on behalf of the petitioner and the learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Ghurna P.S. Case No. 63 of 2024, registered for the offences punishable under Sections 8 and 20(b)(ii)(c) of the N.D.P.S. Act.

3. In course of patrolling, on a secret information the police raided the house of the petitioner. In course of search, total 175 kg ganja was recovered from the septic tank situated at the house of the petitioner. Noticing the police party, the petitioner succeeded in fleeing away.

4. Learned Senior Advocate appearing on behalf of the petitioner referring to the FIR and the seizure list has contended that it has not been specifically alleged that the septic



tank of the toilet is situated within the premises of the house of the petitioner, or it was constructed outside. The petitioner is a man of fair antecedent and, as such, only on account of the fact that some recovery has been made nearby the house of the petitioner, he cannot be held accountable. There are various other infirmities in the search and seizure and the statutory prescriptions as provided under Section 42 of the N.D.P.S. Act has not been followed.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that huge quantity of ganja has been recovered from the house of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from a septic tank situated within the house of the petitioner, as also the rigors provided under Section 37 of the N.D.P.S. Act, this Court is not acceded to the prayer for anticipatory bail of the petitioner and accordingly the application stands rejected.

(Harish Kumar, J)

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