

In the Court of Additional Sessions Judge-III
Madhepura
NDPS-2/2022
(Arising out of Puraini P.S. Case No. 12/2022)

	Pankaj Kumar Petitioner Vs. State of BiharRespondent	
21/05/22	The bail petition dated 07/02/22, copy of which has been served to the prosecution on 07/02/22, filed on behalf of accused Pankaj Kumar, who is in custody since 14/01/22, in connection with Puraini P.S. Case No. 12/22, is moved today. Learned Counsel Sri Noor Alam appearing on behalf of the petitioner submitted that he is quite innocent and has falsely been implicated in this false case. It is placed that there is no recovery from the possession of the petitioner. It is further submitted that the seized bicycle does not belong to the petitioner upon which bag containing <i>ganja</i> was being carried. It is placed that the recovery of <i>ganja</i> was not made by the informant of the case rather the said <i>ganja</i> was recovered by C.O., Puraini and prior to arriving of C.O. and preparing seizure-list informant had recovered the seized motorcycle on road. It is submitted that the petitioner will not escape or abscond and there is no question of him tampering with the evidence. It is therefore prayed that the petitioner be enlarged on bail. The learned Special P.P. Sri Viveka Kumar Singh vehemently opposed the bail petition and submitted that the accused may threaten the witnesses or tamper with the evidences. It is submitted that huge quantity of <i>Ganja</i> was recovered from petitioner's possession and the petitioner tried to flee on seeing the police but was arrested on the spot. As such, it is prayed to reject the present bail petition. Heard and perused the record. On perusal of the FIR of the present case and the enclosed seizure-lists itself, it appears that the huge quantity of <i>Ganja</i> i.e. 6.250 Kgs was recovered which was being carried by the petitioner on his cycle. The recovered <i>Ganja</i> was seized after preparing a seizure-list (para-2). The informant and the other witnesses in their respective statements have supported the fact of recovery of huge quantity of <i>Ganja</i> from petitioner's possession (para- 7 & 16). The charge-sheet has already been submitted in the present case u/s 8/20(b)(ii)(b) of N.D.P.S Act (para-26). The cognizance u/s 8/20(b)(ii)(b) of N.D.P.S. Act has also been taken against the petitioner by the Sessions Judge-cum-Special Judge, N.D.P.S. Act vide	Contd.

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21/05/22 Contd.	order dated 22/03/22. The allegation against the petitioner seems to be very serious one as he used to do business of contraband (<i>Ganja</i>). Considering all the above facts and circumstances of the present case and also the direct and serious nature of allegation against the petitioner, I am not inclined to release the accused petitioner namely Pankaj Kumar on bail. Hence, the present bail petitions stands Rejected. Dictated <i>Nishi Kant Thakur</i> 21/5/22 (Nishi Kant Thakur) Additional Sessions Judge-III Madhepura	
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