

COURT OF SESSIONS JUDGE- cum- SPECIAL JUDGE, NALANDA,
BIHARSHARIF

N.D.P.S. Case No. 6/2021

Noorsarai P.S. Case No. 58/2021. G.R. No. 898/2021

The State of Bihar Vs. Shiv Kumar Prasad

25.02.2021

A petition for regular bail has been filed on behalf of accused petitioner Shiv Kumar Prasad, who is in judicial custody since 11.02.2021 in connection with Noorsarai P.S. Case No. 58/2021 registered for the offences punishable u/s 20, 22 of the N.D.P.S. Act has been put up for hearing.

The allegation as per fardbeyan of the informant Birendra Chaudhary, P.S.I. of Noorsarai P.S., is that on 11.02.2021 at 8:15 A.M., he received confidential information that Ganja is kept and sold from the house of Shiv Kumar Prasad and rushed towards that place, along with police forces and raided the house of Shiv Kumar Prasad and 1.50 Kg. Ganja in a plastic bag was recovered from his room and the accused Shiv Kumar Prasad was arrested. On inquiry, the accused told that ganja was being kept by him for personal use as well as for sale. Thereafter, Ganaj was duly seized and seizure list was prepared in presence of two independent witnesses and a copy of the same has been given to accused.

Heard the learned counsel Sri Shailendra Kumar for the petitioner as well as learned Special P.P. Sri Lalit Kumar Maurya on behalf of the State.

The learned counsel for the petitioner submitted that the petitioner is innocent, has committed no offence as alleged and he has been falsely implicated in this case. He further submitted that nothing incriminating has been recovered from the possession of the petitioner. He further submitted that neither the petitioner consume Ganja nor he is indulged in selling of the same rather, his enemies in collusion with the police, have falsely implicated the petitioner and the petitioner has no concern with the seized ganja and the seizure list is a manufactured document and the witness of the seizure list is flying bird of the concerned Police Station. He further submitted that the petitioner is an old man aged about 65 years and there is no criminal history against him. He further submitted that the alleged offence for abatement and criminal conspiracy to commit the offence is not attracted from the facts of the case. He also submitted that the petitioner is in judicial custody since 11.02.2021.

P.T.O.

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Continued

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Learned Spl. P.P. opposed the prayer for bail of the petitioner submitting that as per allegation, there is recovery of 1.5 Kg. Ganja, kept in a plastic bag inside the house of the petitioner. He also submitted that the recovered quantity of Ganja is covered within the purview of lesser than commercial quantity and above the small quantity. Hence, the bail petition of the petitioner be rejected.

In view of the aforesaid facts and allegation regarding recovery of 1.5 Kg. Ganja from the house of petitioner which was kept in a plastic bag in a room in concealed manner and the recovered Ganja is covered within the purview of lesser than commercial quantity and above small quantity, which is serious nature of the alleged offence, I am not persuaded to enlarge the petitioner on bail.

Accordingly, prayer for bail of the petitioner in Noorsarai P.S. Case No. 58/2021 corresponding to G.R. Case No. 898/2021, is hereby **rejected**.

(Dictated & corrected)

Sd/-

(Dr. Ramesh Chandra Dwivedi)
Sessions Judge-cum Special Judge,
Nalanda.