

In the Court of Sessions Judge, Purnea.
Special Case No.25 of 2021/CIS NDPS No.25 of 2021 (NDPS Act)
(arising out of K.Nagar P.S. Case No.123 of 2021)
State Versus Lalan Swarnkar @ Lalan Soni

10.6.2021 – Bail Petition filed on behalf of the petitioner, namely, Lalan Swarnkar @ Lalan Soni, who is in jail custody since 21.3.2021 in connection with Special (NDPS) Case No.21 of 2021 arising out of K.Nagar P.S. Case No.123 of 2021 registered under sections 8/20(B)Iii)(B) NDPS Act is put-up for hearing on virtual mode.

2. Heard Sri Yogendra Prasad Yadav, the learned counsel appearing on behalf of petitioner and Sri Shambhu Anand, the learned Special P.P. for the State.

3. The prosecution case, in brief, is that informant is PSI, namely, Mithilesh Kumar of K.Nagar P.S., Purnea. On 21.3.2021 at about 00.15 hours, Informant received secret information at village Baniyapatii Chauk, a person kept Ganja in his house. On this information, Informant informed the aforesaid information to higher Police personnel and also made entry in the Station Diary. Thereafter, Informant alongwith other police personnel proceeded from the P.S. for verification of the aforesaid Information. At about 00.25 hours, Informant alongwith other police personnel reached to the house of the petitioner and Informant awoke the inmates of the house. In the meantime, neighbours of the said house also arrived there. After hearing the noise, this petitioner opened the door of his house. Thereafter, in presence of two independent witnesses after complying the provision of section 50 of the NDPS started the searching of the house of this petitioner and recovered 1.700 Kilograms Ganja from the house of this petitioner, which was kept in a yellow plastic bag inside the Aluminium pot. Informant also recovered small Tula (Scale) as well as 200 grams and 50 grams weights in presence of independent witnesses. Accordingly, Informant prepared seizure list and arrested the petitioner.

4. The learned counsels of the petitioner submitted that petitioner has falsely been implicated in this case out of grudge, enmity and dirty local politics. Nothing incriminating articles has been recovered from the possession of the petitioner or his house. Petitioner is a poor labour and he bears clean antecedent. Petitioner is in jail custody since 21.3.2021. So, prayed for bail.

5. On the other hand, the learned Special P.P. opposed the prayer of bail and submitted that petitioner was engaged in doing illegal business for purchasing and selling of Ganja and alleged recovered Ganja from the house of this petitioner is more than small quantity but less than commercial quantity. Witnesses have supported the prosecution version.

6. From perusal of the record, seizure list as well as case diary, It appears that this petitioner is named in the FIR and Police after complying the provision of section 50 of the NDPS Act has recovered 1.700 Kilograms Ganja, small Taraju (Scale) as well as small weights from the house of this petitioner in presence of independent witnesses and accordingly, prepared seizure list and arrested this

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Contd./10.6.2021 -petitioner on the spot. The aforesaid alleged recovered Ganja from the house of this petitioner seems to be greater than small quantity. The manner of aforesaid recovered Ganja and other articles from the house of this petitioner shows that this petitioner is a professional in doing illegal business of Ganja in the locality and the alleged crime of the petitioners seems to be against the society at large. The sample of seized Ganja have been sent for F.S.L. Test. Witnesses have supported the prosecution version.

7. Considering the nature of offence, **recovery of 1.700 Kilograms Ganja and other articles from the house of this petitioner**, I am not inclined to release the petitioner on bail. Accordingly, prayer of bail of the petitioner stands rejected.

(Dictated)

Sd/-

**Special Judge I/c, NDPS Act,
Purnia.**