

(2020) 12 JH CK 0125
In the Jharkhand High Court
Case No : Bail Application No. 9797 of 2020

Suresh Ganjhu And Ors

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 15-12-2020

Acts Referred:

Narcotic Drugs and Psychotropic Substances Act, 1985 — Section 17, 18, 22, 37

Citation : (2020) 12 JH CK 0125

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : Ashok Kumar, Ravi Prakash

Final Decision : Dismissed

Judgement

Heard the parties through Video Conferencing.

Learned counsel for the petitioners personally undertakes to remove the defects pointed out by the Stamp Reporter within two weeks after the lockdown is over.

In view of the personal undertaking given by learned counsel for the petitioners the defects pointed out by the Stamp Reporter are ignored for the present.

The petitioners have been made accused in connection with Chatra Sadar P.S. case no. 167 of 2020 instituted under sections 17, 18, 22 of the NDPS

Act.

Learned counsel appearing for the petitioners submits that the allegation against the petitioners is that from the joint house of both the petitioners, 10 kg

and 800 gram of wet opium was seized and the petitioners confirmed that they were indulging in illegal trade of opium. It is then submitted by learned

counsel for the petitioners that the allegation against the petitioners is false. It is further submitted by learned counsel for the petitioners that the

petitioners have been in jail custody for a considerable period of time hence, the petitioners may be released on bail.

Learned Spl. P.P. vehemently opposes the prayer for bail and submits that keeping in view that the quantity of the seized opium comes under

commercial quantity hence rigors of section 37 of the Narcotic Drugs and Psychotropic Substance Act is attracted in this case and in absence of any

material to show that the petitioners are not guilty of the alleged offence and that there is no chance of the petitioners indulging in any offence while

on bail, the petitioners ought not be released on bail.

Considering the serious allegation against the of petitioners being involved in the business of illegal opium of commercial quantity and in absence of any

material to suggest that petitioners are not guilty of the offences alleged and that there is no chance of the petitioners being involved in any offence

while on bail, this Court is of considered view that this is not a fit case where the petitioners be released on bail. Accordingly, the prayer for bail of the

above named petitioners is rejected.

Keeping in view the period of custody undergone by the petitioners and the serious nature of offences involved in this case, notwithstanding any order

in administrative side of this Court, the trial court is directed to take up the trial of the case expeditiously and to conclude the trial within six months

from the date of receipt of this order by the trial Court. It is made clear that the trial be conducted and witnesses be examined by observing the

precautions relating to COVID-19 pandemic.