

IN THE HIGH COURT OF JHARKHAND AT RANCHI

B.A. No. 8969 of 2022

Gendlal Singh @ Gendlal Kumar Petitioner
Versus
The State of Jharkhand Opp. Party

CORAM : HON'BLE MR. JUSTICE SUBHASH CHAND

For the Petitioner : Mr. Lalit Yadav, Advocate
For the State : Mr. Ravi Prakash, A.P.P.

04/ 13.10.2022 Heard learned counsel for the applicant and the learned A.P.P. for the State.

This bail application has been filed on behalf of the applicant—Gendlal Singh @ Gendlal Kumar with prayer to release on bail in connection with Rajpur P.S. Case No. 24 of 2022, registered under Sections 18/27(a)/29/30 of N.D.P.S. Act, pending in the court of the Sessions Judge cum Special Judge, N.D.P.S., Chatra.

Learned counsel for the applicant has submitted that, as per F.I.R. allegations, the informant police officer had received prior information that one Gendlal Singh @ Gendlal Kumar was selling opium at his house. Accordingly, raid was carried out and in the house of Gendlal Singh @ Gendlal Kumar in a room 14.200 k.g. opium was recovered and two persons were also present in the very room Dilip Kumar and Upendra Kumar. Further raid was also carried out at the house of Pawan Kumar from whose house 18.100 k.g. opium and from the house of Jethan Singh 10.800 k.g. opium was recovered.

Learned Counsel for the applicant has submitted that though the alleged opium was recovered from the house of applicant yet the applicant was not in conscious possession of the same. Two persons were also sitting in the very room Dilip Kumar and Upendra Kumar, who were in conscious possession of the same have been granted bail by the Co-ordinate Bench of this Court in B.A.No.6849 of 2022 and B.A.No.6843 of 2022 vide order dated 02.09.2022 respectively and the applicant has been languishing in Jail since 16.04.2022 having no criminal antecedent.

Learned A.P.P. appearing on behalf of the State vehemently opposed the contentions made by the learned counsel for the applicant and contended that that the police had carried out raid at the house of the informant after having received prior information. Compliance of Section 42 of N.D.P.S. Act was also made and admittedly 14.200 k.g. opium was recovered from the house of the applicant which was much above the commercial quantity and it cannot be accepted that the applicant was not in conscious possession of the same, moreso two persons who found in the very room of the applicant had come to purchase the same.

In view of the submissions made and materials on record and also keeping in view Section 37 of the N.D.P.S. Act, more than prima facie is made out against the applicant. Accordingly, the bail application of the applicant is hereby rejected.

(Subhash Chand, J.)