

(2023) 01 PAT CK 0048**Patna High Court****Case No:** Criminal Miscellaneous No. 35700 Of 2022

Bijay Yadav

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision: Jan. 25, 2023**Acts Referred:**

- Narcotic Drugs and Psychotropic Substances Act, 1985 - Section 8, 15, 17, 18, 20, 25

Hon'ble Judges: Ahsanuddin Amanullah, J**Bench:** Single Bench**Advocate:** Birendra Kumar Singh, Ashok Kumar Singh**Final Decision:** Dismissed**Judgement**

1. Heard Mr. Birendra Kumar Singh, learned counsel for the petitioner and Mr. Ashok Kumar Singh, learned Additional Public Prosecutor for the State.
2. The petitioner apprehends arrest in connection with Barachatti (Mohanpur) P.S. Case No. 587 of 2019 dated 02.12.2019, instituted under Sections 8/15/17/18/20/25 of the Narcotic Drugs and Psychotropic Substances Act, 1985.
3. This is the second attempt for bail by the petitioner, as earlier such prayer was rejected by judgment and order dated 20.02.2021 passed in Cr. Misc. No. 31789 of 2020.
4. Learned counsel for the petitioner has reiterated the earlier submission that the material was not recovered from his conscious possession as it was forest land.
5. Learned APP submitted that the petitioner has been found to be the person who was using the land for storage of such powder which is narcotic substance and from the order of last rejection, there is no material change in circumstances.
6. Having considered the case and submissions of learned counsel for the parties and the fact that nothing has been shown with regard to change of circumstances, and that the recovery being from the poultry farm of the petitioner strongly indicating his involvement, the Court is not inclined to allow the prayer.
7. Accordingly, the application stands dismissed.