

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40758 of 2014

Arising Out of PS.Case No. -82 Year- 2014 Thana -NAWANGAR District- BUXAR

Mritunjay Singh, Son of Yogendra Singh, R/o Mohalla- Karman Tola, Ara,
P.S. Nawada, District- Bhojpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

With

Criminal Miscellaneous No.42165 of 2014

Arising Out of PS.Case No. -82 Year- 2014 Thana -NAWANGAR District- BUXAR

Umendra Kumar Pathak, S/o Shyam Narayan Pathak, R/o Mohalla- Gali
No. 66, House No. 207 Super Bazar Road, Saharanpur, (U.P.). At present
residing at Kanjwapur, P.S. Khiri, District Khiri (U.P.).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.40758 of 2014)

For the Petitioner/s : Mr. Kumar Uday Singh, Advocate

For the Opposite Party/s : Mrs. Sangita Sharma (App)

(In Cr.Misc. No.42165 of 2014)

For the Petitioner/s : Mr. Binod Kumar Singh, Advocate

For the Opposite Party/s : Mr. L.K. Sharma (App)

CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

4 03-03-2015 Both these applications arise out of Nawanagar P.S. Case
No.82/2015 registered for the offence punishable under Sections 420,
414 of the Indian Penal Code and Sections 20 (B) (ii) (c), 22, 27 (A)/29
of the N.D.P.S. Act. As such, they have been heard together and are
being disposed of by this common order.

2. Heard the learned counsel for the petitioners and the
State.



3. The prosecution case, in brief, is that the police got information that a truck laden with huge quantity of Ganja would cross through N.H.30. The police party was alert. The truck, in question, stopped. Thereafter, one Scorpio vehicle also stopped there. Some big packets were begun to laden on the Scorpio vehicle at the instance of the occupants of the Scorpio vehicle from the cabin of the truck. In the meantime, the police personnel came near both the vehicles. The occupants of both the vehicles tried to escape, but they were apprehended. They disclosed their names as Umendra Kumar Pathak (petitioner), the driver of the truck, Khalasi Amit Verma, Vikash Kumar Singh and Raju Singh and the occupants of the Scorpio vehicle disclosed their names as Nagina Rai, Udai Singh, Mritunjay Singh (petitioner) and Sethi Singh. The truck was searched according to rule in presence of the Magistrate. The truck was loaded with coal from which 32 packets of Ganja were recovered which were weighed and found that it was 6 quintals 67 K.G. and 380 Grams and thereafter, the Scorpio vehicle was also searched in presence of the Magistrate and from the back side of the Scorpio four packets of Ganja weighing about 82 K.G. were recovered.

4. It is submitted on behalf of the petitioner Mritunjay Singh that he is the owner and driver of the Scorpio vehicle and the vehicle was hired by the occupants for taking them to Varanasi. He had no knowledge about the goods kept in the packets and he has no connection with the seized articles. He has no criminal antecedent.

5. It is submitted on behalf of the petitioner Umendra

Kumar Pathak that he is the driver of the truck and he had no knowledge about the goods kept in the vehicle and he has no connection with the seized articles and he has not committed any offence. He was only driving the vehicle, which was loaded with coal. He has no criminal antecedent.

6. The learned counsel for the State submits that the contraband article Ganja has been recovered from the Scorpio vehicle as well as from the truck. The accused Mritunjay Singh was the owner and the driver of the Scorpio vehicle and the accused Umendra Kumar Pathak was the driver of the truck. A huge quantity of Ganja has been recovered from both the vehicles on which they were occupants and the articles have been recovered from their possession and the seizure list was also given to the petitioners. After investigation, the case has been found true and the charge sheet has already been submitted.

7. Considering the facts and circumstances of the case, in my opinion, the petitioners do not deserve bail. Their prayer is rejected.

8. In the result, both these applications are dismissed.

(Amaresh Kumar Lal, J)

V.K. Pandey/-

U		T	
---	--	---	--