

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3213 of 2016

Arising Out of PS.Case No. -14 Year- 2011 Thana -SATHI District-
WESTCHAMPARAN(BETTIAH)

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Prem Parwat, S/o Late Rajendra Parwat, R/o Village- Chhap Mathiya, P.S.-
Mirganj, District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Adya Singh, Adv.

For the Opposite Party/s : Mr. J.N. Thakur(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 17-03-2016 Heard learned counsels for the petitioner and the State.

The petitioner is languishing in jail since 11.11.2015 in
a case registered for the offences punishable under Sections 20,
22, 23, 27(A) and 29 of the NDPS Act.

The prosecution case is that S.H.O., Sathi police station
on the direction of SDPO, Narkatiyaganj intercepted one Marshal
vehicle on 16.02.2011 when two persons namely Sheikh Mister
and Newton Singh were apprehended. From the alleged vehicle,
117 Kgs of ganja were recovered. The apprehended accused
disclosed the name of their associates who escaped from scene as
Shankar Mani who was driving the allege vehicle and one Ramdeo
Sah. They also disclosed that the alleged vehicle belongs to the
petitioner and claimed to have carrying the Ganja to Gopalganj.



It is submitted by learned counsel for the petitioner that admittedly, the petitioner was not present in the vehicle in question which gets reflected from averment made in the FIR. The alleged vehicle was never been registered in the name of the petitioner. In pursuance to the order this Court dated 20.01.2016, learned Addl. Sessions Judge-II, Bettiah, West Champaran called for a report from the D.T.O., Siwan with regard to registration of seized vehicle on the alleged date of seizure when District Transport Officer, Siwan transmitted the report that the vehicle in question got registered in the name of Mirtunjay Kumar Singh son of Prabhunath Singh on 30.08.2004 and the same was registered in his name on the alleged date of seizure also and is still registered in his name. The said report has been brought on record at Flag-‘A’. It is further submitted that the person who escaped from the scene has been granted bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 43429 of 2011. A statement has been made in para 3 of the petition that the petitioner has no criminal antecedent.

Considering the fact that the only accusation against the petitioner is that he was the owner of the seized vehicle which gets nullified by the report of the D.T.O., Siwan, let the above named petitioner be released on bail, on furnishing bail bond of

₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Addl. District and Sessions Judge, Bettiah, (West Champaran) in connection with Sathi P.S. Case No. 14 of 2011.

(Dinesh Kumar Singh, J)

Amrendra/-

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