

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41764 of 2017

Arising Out of PS.Case No. -423 Year- 2016 Thana -BARACHATTI District- GAYA

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Md. Mohsin Son of Hassan, R/o Village- Khetrajpur, P.S.- Khetrajpur,
District- Sambalpur (Orissa).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahtab Alam

For the Opposite Party/s : Mr. Sri Humayou Ahmad Khan

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 18-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
24.10.2016 in connection with Barachatti P.S. Case No.423 of
2016 for offences punishable under Sections 8/20(B), 22/25
and 29 of NDPS Act.

The prosecution case, as lodged by the police
personnel, is that on secret information that some Ganja is
being smuggled in a Maruti Swift Dzire vehicle, the police
intercepted the vehicle and apprehended three persons
including the petitioner and from the dickky of the vehicle



100kg Ganja was recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history, nothing has been recovered from his conscious possession and that he is not the owner of the vehicle but a driver of the said vehicle and did not know that contraband items were hidden in the dickky. He submits that the mandatory provisions for preparing the seizure list have not been complied and that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that huge commercial quantity of Ganja was seized from the vehicle of the petitioner.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with Barachatti P.S. Case No.423 of 2016, pending in the court of learned District and Sessions Judge, Gaya.

The application is, accordingly, rejected.



However, the learned court below is directed to expedite the trial.

(Nilu Agrawal, J)

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