

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 12756 of 2018

Arising Out of PS. Case No.-158 Year-2016 Thana- Malsalami District- Patna

Vimal Shah S/o Late Devendra Sah, R/o Village- Chakeyaj Mahnar, P.S.-
Desari, District- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Rajiv Ranjan
		Mr. Jay Ram Prasad
For the Opposite Party/s	:	Mr. Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 07-03-2018 Heard Sri Rajiv Ranjan, learned counsel assisted by Sri Jay Ram Prasad, learned counsel for the petitioner and learned Addl. Public Prosecutor.

This is the 2nd attempt for grant of bail on behalf of the petitioner in Special Case No. 27 of 2016 (arising out of Malsalami P.S. Case No. 158 of 2016) registered for offence under Sections 20, 22, 25, 25(A) of the Narcotic Drugs & Psychotropic Substances Act, 1985.

Learned counsel for the petitioner has drawn my attention to Annexure – 1 to the petition i.e. order dated 22-12-2016 passed in Cr. Misc. No. 51078 of 2016 and submits that earlier the petition for grant of bail was simply dismissed as withdrawn and on merit, the case was not decided. He tried to persuade the



Court that on merit, the petitioner has got good case. He submits that petitioner was simply a driver of a *Bollero* vehicle and while he was driving *Bollero*, on the said vehicle, owner of the vehicle was present and he alongwith petitioner was arrested. He submits that it is true that from the *Bollero* vehicle, seizure of 208 kg. of *Ganja* was shown, but fact remains that petitioner, being driver of the vehicle, was not at all responsible for the offence.

Be that as it may, since on last occasion i.e. 22-12-2016, the bail petition was dismissed as withdrawn, there is no point to examine the case on merit, unless there is specific change in circumstance. I do not find any ground to pass any favourable order.

The petition stands dismissed.

(Rakesh Kumar, J.)

anay

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

