

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14670 of 2018

Arising Out of PS. Case No.-65 Year-2013 Thana- DUMRIAGHAT District- East Champaran

Parambir Singh S/o Ajit Singh @ Ajeet Singh, R/o Vill.- Rattar Chhattar, P.S.-
Dera Baba Nanak, Distt.- Gurdaspur, Punjab.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar

For the Opposite Party/s : Mr. Sri Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

4 05-09-2018 Heard learned counsels for the parties.

This is the third attempt on behalf of the petitioner for grant of bail in a case registered for the offences punishable under Sections 414/34 of the IPC and Sections 20,22 and 25 of the NDPS Act.

The prosecution case, as per the written report of D.P. Singh, SHO, Dumariaghat Police Station dated 4.6.2013 submitted to the learned District and Sessions Judge-cum-Special Judge, East Champaran at Motihari, is to the effect that on a secret information two trucks were intercepted on NH 28 near village Semuapur. Five quintals of ganja was recovered from the truck bearing Registration number HR 55Q3129, while 4 quintals 55 kg of ganja was recovered from the other



truck bearing Registration number HR 55Q 3140. The driver of the second truck disclosed his name as Nishan Singh whereas petitioner is the cleaner of the truck bearing registration number HR 55Q 3140.

It is submitted by learned counsel for the petitioner that actually coal was being transported on the truck and the petitioner did not have any knowledge about ganja being loaded on the truck. Petitioner is the cleaner of the truck bearing Registration number HR 55Q 3140 and he is not having any criminal antecedent. It is further submitted that the petitioner is languishing in custody since 5.6.2013 and the two seizurelist witnesses have not supported the prosecution case.

Learned APP, however, submits that there is recovery of commercial quantity.

Keeping in view the embargo under Section 37 of the NDPS Act, since recovery is of commercial quantity, this Court is not inclined to revise the earlier order. The prayer of the petitioner for bail is rejected.

However, it is expected from the learned 1st Additional Sessions Judge-cum-Special Judge, Excise, East Champaran, Motihari to conclude the trial preferably within a period of six months.



The petitioner will be at liberty to renew his prayer
for bail if the trial is not concluded within six months.

(Dinesh Kumar Singh, J)

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