

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.27863 of 2017**

Arising Out of PS. Case No.-121 Year-2015 Thana- KOILWAR District- Bhojpur

Amit Kumar Singh son of Late Krishna Singh resident of Village & P.O.  
Neknam Tola, P.S. : Barahara, District : Bhojpur (Bihar).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sada Nand Roy  
For the Opposite Party/s : Mr. J.N. Thakur

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

3      10-01-2018

Heard learned counsel for the parties.

The petitioner has renewed his prayer for bail in a case registered for the offences punishable under Sections 20(b) (ii) and 22 of the NDPS Act.

The petitioner's earlier bail application was rejected vide order dated 22.2.2016 passed in Cr. Misc. No. 4410 of 2016.

The prosecution case got initiated with the self statement of S.I. Ravindra Kumar, SHO, Koilwar Police Station dated 24.5.2015 is to the effect that on 24.5.2015 the informant received information that Ganja is being trafficked through a Marshal vehicle and the same is parked near the house of Mukesh Kumar, son of Bimal Prasad. The informant constituted a raiding team and reached the house of Mukesh Kumar and



found a parked Marshal vehicle bearing Registration No. MP 04H- 0556, while three persons were found standing nearby. Two persons managed to escape and one person was apprehended who disclosed his name as Amit Kumar Singh, the petitioner. In the meantime, the BDO, Koelwar reached at the spot and vehicle was searched, when it was found that in a specially designed box in the Marshal vehicle, 31 packets, each containing 2 kilograms of ganja, total 62 kilograms of ganja, was kept. Seizure was made. The FIR further stipulates that the petitioner confessed that he used to work in league with Mukesh Kumar. The other person escaped from the scene was the driver of the Marshal vehicle.

It is submitted by learned counsel for the petitioner that petitioner is the resident of different village and he was not aware about the Ganja being kept in the vehicle. No incriminating article connecting the petitioner with the offence was recovered from the vehicle. The petitioner is languishing in custody since 25.5.2015. Admittedly, recovery is from the Marshal vehicle. The ownership of the said vehicle has not been verified by the investigating agency till date. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.



The report of the learned 6<sup>th</sup> Additional Sessions Judge, Bhojpur dated 17.11.2017 reflects that three witnesses have been examined but the said report does not stipulate, as to how many witnesses are left to be examined.

Mr. J.N. Thakur, learned APP, after going through the case diary, submits that the recovery has not been made from the petitioner nor any incriminating article has been recovered from the seized vehicle which suggests the petitioner's involvement in trafficking of the seized ganja. During investigation, no further material has been collected against the petitioner.

Considering the fact that there is no accusation under section 24 of the NDPS Act hence, embargo under section 37 of the Act does not apply against the petitioner, recovery has admittedly not been made from the petitioner but from the vehicle and the verification with regard to the vehicle has not been done by the investigating agency till conclusion of the investigation, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned



3<sup>rd</sup> Additional Sessions Judge, Bhojpur at Ara in connection with  
NDPS Case No. 7 of 2015 arising out of Koelwar P.S. Case No.  
121 of 2015.

The learned court below will be at liberty to cancel the bail  
bonds of the petitioner in case he defaults on two consecutive  
occasions or gets involved in similar nature of offence.

**(Dinesh Kumar Singh, J)**

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