

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7069 of 2019

Arising Out of PS. Case No.-22 Year-2017 Thana- D.R.I District- Patna

Ram Kishore, S/o Late Durga Prasad. Resident of Village- Malviya Nagar,
P.O.- Nagar Panchayat Siddhaur, P.S.- Asandhara Siddhaur Gramin, District -
Barabanki (Uttar Pradesh).

... .. Petitioner/s

Versus

The Union of India through Directorate of Revenue Intelligence, Regional
Unit, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Digvijay Narayan Singh, Advocate
For the Opposite Party/s :	Mr.S.D. Sanjay, Addl. S.G.
	Mr.Manoj Kumar Singh, Advocate
	Mrs.Priya Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 24-04-2019 Heard learned counsel for the petitioner and learned
counsel for the Union of India.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 21, 23, 25 and 29 of the
N.D.P.S. Act.

As prayed for, learned counsel for the petitioner is
permitted to correct the father's name of the petitioner in the
bail petition.

From a truck carrying husk, 06 kilograms of
Heroine was recovered from the hood cavity of the truck. The
petitioner was cleaner of the truck. The owner and driver of the
truck were also travelling in the same truck at the time of



recovery.

The statement of the owner of the truck, namely, *Ali Ahamad* was recorded under Section 67 of the N.D.P.S. Act, wherein he clearly stated that the 03 packets containing 06 kilograms of *Heroine* was loaded on the truck at Guwahati. The owner and driver had hidden the 03 packets beneath the hood of the vehicle, which was otherwise loaded with rice bran.

The owner is again specific that at the time of loading of the *Heroine*, only he and the driver were present.

On the basis of aforesaid material, learned counsel for the petitioner submits that petitioner who was cleaner of the vehicle had no knowledge about the *Heroine* being carried in the vehicle. Petitioner is in custody since 30.08.2017. He has got no criminal antecedent.

Learned senior counsel appearing on behalf of the Union of India submits that the petitioner had also confessed before the Authorities and in his statement he has mentioned that he was aware that *Heroine* was being carried on in the said vehicle. Though, he has alleged that it is the owner who knows that from whom the *Heroine* was purchased at Guwahati and to whom it was to be supplied at Lucknow.

Considering the entire facts of this case, especially



admission of the owner and nature of statement of the petitioner as well as period already undergone by the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Special Case No.128 of 2017, arising out of Unit Case No.22 of 2017, *subject to condition that both the bailors shall be resident of within the territorial jurisdiction of the learned court below having immovable property in the jurisdiction of the court below and the petitioner shall fully co-operate with the trial of the case*, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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