

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10083 of 2019**

Arising Out of PS. Case No.-230 Year-2018 Thana- KHAGARIA District- Khagaria

BINOD MOCHI @ BINOD RAM, Son of Rajdeo Mochi, Resident of
Bishunpur Saidpur, PS - Naw Kothi, Dist. - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Singh

For the Opposite Party/s : Mr. Narendra Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER**

3 02-05-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 8, 20(b) (ii) (a) 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

About 1137 Kg. of ganja was recovered from a truck kept in 70 packets. The petitioner was also arrested at the spot. Petitioner claims to be cleaner of the truck.

Submission is that petitioner has got no criminal antecedent. He had no knowledge as to what was being hidden in the truck and the driver has been allowed bail by a Coordinate Bench of this Court vide order dated 10.01.2019 passed in Cr. Misc. No. 72428 of 2018 (Annexure-3).

The order whereby bail was granted to the driver, the Bench observed that the owner of the contraband had allegedly



fled away from there.

This cannot absolve the burden of proof of innocence of the cleaner of the vehicle as to under what circumstances 70 packets containing huge quantity of ganja was kept in the vehicle. Moreover, the responsibility of the carrier of the narcotics is not any way less than that of the owner, hence, I am not inclined to enlarge the petitioner on bail in connection with Special Case No. 03 of 2018 arising out of Khagaria Police Station Case No. 230 of 2018 pending in the court of learned Special Judge-cum-Sessions Judge, Khagaria.

Accordingly, prayer for bail is refused.

Learned trial court is directed to expedite the trial.

(Birendra Kumar, J)

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