

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17343 of 2019

Arising Out of PS. Case No.-95 Year-2018 Thana- TATARPUR District- Bhagalpur

MD. MIRAJ ALAM @ LALLOO Son of Late Md. Ismail Resident of
Village-Sahbaz Nagar, P.S-Mojahidpur, District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Navjot Yesu

For the Opposite Party/s : Mr. Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

4 22-07-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is accused in connection with Tatarpur
(Vishwavidyalay) P.S. Case No. 95 of 2018 registered under
sections 8/20(b)(ii)(c), 25 and 29 of the N.D.P.S. Act pending in
the Court of 2nd Additional District and Sessions Judge,
Bhagalpur.

Submission of learned counsel for the petitioner is
that petitioner is a Mechanic. He is quite innocent and has
falsely been implicated in this case due to dirty village politics.
Merely on the basis of suspicion, he has been made accused.
Further submission is that petitioner is in custody since
12.05.2018. Nothing has been recovered from his possession. It
is also submitted that co-accused Md. Safi Alam has already



been granted bail by a Co-ordinate Bench of this Court vide Annexure-2.

Learned A.P.P. appearing on behalf of the State opposed the prayer of the petitioner by contending that the petitioner was found sitting in the vehicle from which the alleged Ganja was seized. As per the first information report, two speakers were fixed in the dickey of the vehicle and when it was opened, 80 kgs. of Ganja was recovered. It is clear that such work is not possible without a mechanic and the presence of the petitioner in the alleged vehicle shows his involvement in the alleged incident. So far as the grant of bail of the owner of Garage on similar allegation is concerned, his case is different. It is quite possible that he did not have any knowledge that the mechanic of the Garage used to keep Ganja in the vehicles, which comes in his Garage for repairing.

Having considered the above facts and circumstances of the case, I am not inclined to allow the prayer of the petitioner for bail. Accordingly, this application is rejected.

(Arvind Srivastava, J)

shailendra/-

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

