

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46394 of 2019

Arising Out of PS. Case No.-418 Year-2018 Thana- BARARI District- Katihar

Bhawal Barman Son of Harendra Nath Barman Resident of Village-Baisguri,
P.S.-Mathabhanga, District-Cooch Behar, West Bengal ... Petitioner
Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr.Sanchay Srivastava, Advocate
For the Opposite Party : Mr.Atul Chandra, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 23-10-2019 Heard learned counsel for the petitioner as well as
learned counsel for the State.

Petitioner is an accused in a case registered for the
offence under sections 20 & 22 of the NDPS Act.

Acting on a tip off, police raided house of accused
Arvind @ Yugal Choudhary, said to be used for storing husk and
spotted a vehicle (Bolero) waiting for unloading something.
Petitioner was found to be sitting on the driver's seat, whereas
accused Arvind was standing close to the back side door of the
vehicle. In course of search of the vehicle, 198 kilograms Ganja
was recovered from the back seat of the said vehicle. Both
accused persons caught at the spot, though they tried to flee
away.

Learned counsel for the petitioner submits that the
petitioner, having no criminal antecedent, has falsely been
implicated in this case as there is no eye witness to the alleged
search and seizure. Petitioner is in custody since 23.10.2018 and
claims parity with co-accused Arvind @ Yugal Choudhary, who
had also been arrested along with the petitioner, has already
been allowed regular bail by a bench of this Court vide order



dated 17.8.2019, passed in Cr.Mis.No. 30436 of 2019.

Learned counsel for the State opposes the prayer for bail pointing out that the case of the co-accused Arvind cannot be equated with the case of the petitioner, as the said Arvind was spotted standing near the vehicle, whereas petitioner was sitting on the driver's seat of the vehicle wherefrom recovery of huge quantity of contraband material (Ganja) was made. He further submits that it seems improbable that a driver will be ignorant of the consignment loaded in his vehicle.

In view of the aforesaid facts and circumstances of the case, I am not inclined to admit the petitioner to the bail. Bail application is accordingly dismissed.

(Prabhat Kumar Singh, J)

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