

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 45044 of 2019**

Arising Out of PS Case No.-9 Year-2017 Thana- SIMRI District- Buxar

Sinku Singh @ Mritunjay Kumar Singh, Male aged about 35 years, Son of Ram Vyas Singh, Resident of Village-Balihar, Police Station-Simri, District-Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Parijat Saurav, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 04-12-2019

Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in NDPS Case No. 01A/2017 arising out of Simri PS Case No. 09 of 2017 dated 18.01.2017 instituted under Sections 20 (b) (ii) (C) 22 and 27 (a) of The Narcotic Drugs and Psychotropic Substances Act, 1985.

3. The allegation against the petitioner and seven others is of dealing in Narcotics.

4. Learned counsel for the petitioner submitted that he was neither caught with the contraband Narcotic nor there has been any recovery from his conscious possession or from his house. It was submitted that even persons who were arrested have



only stated that the truck in question from where the recovery has been made was going to the place of the petitioner as the driver has stated that the truck was going to the place of the petitioner on requisition and the other person arrested has stated that he was a labourer hired by the petitioner to load tomatoes. Learned counsel submitted that there is no link between the alleged recovery to connect it to the petitioner and a mere statement that the truck was called by the petitioner would not satisfy the requirement of law to fasten any liability on him. It was submitted that the petitioner was not the person who had loaded the drug and also not to whom it was delivered.

5. Learned APP, from the case diary, submitted that 14.10 quintals of *Ganja* (Marijuana) was recovered, which is huge quantity and the fact that the truck was taken by the police while it was standing on the road and not anywhere near the house or field of the petitioner, bearing Haryana registration number, raises doubt as it cannot be expected that an empty truck from Haryana would be hired by the petitioner to load tomatoes. It was also submitted that it has not come that the petitioner was a big trader who required a truck to load tomatoes. Learned counsel submitted that there is also no indication of any false implication as the driver



being unconnected to the petitioner could not have falsely named him.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

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