

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62328 of 2019

Arising Out of PS. Case No.-172 Year-2019 Thana- BAUNSI District- Banka

RANJIT CHAUDHARY Son of Mahanand Chaudhary Resident of Village -
Sonbarsha, P.S.- Bhipur, Dist.- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate

Mr.Sumit Kumar Jha

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 22-10-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 12.7.2019 in a case registered for the offences punishable under Sections 22,8,20(B)(ii)(c),25 and 29 of the NDPS Act, 1985.

The prosecution case as per the self statement of Rajesh Kumar Yadav, ASI-cum-SHO, Bounsi Police Station recorded on 11.7.2019 at 1.30 P.M., is to the effect that he received a secret information that Ganja is being smuggled through a truck bearing registration no. BR-11-L 3011, thereafter, a Sanaha diary entry was made and raid was laid when a truck was intercepted from which 71 packets i.e., total 705 kilograms ganja was recovered and two persons being driver Md. Thihar and co-driver Md. Mir Mukhtar along with mobile phones were arrested. The driver and co-driver suggested name of the owner of the truck being Pintu Kumar. They also disclosed that the petitioner and co-accused Md. Taufique were responsible for the



transportation of alleged contraband.

It is submitted by learned counsel for the petitioner that admittedly the recovery has not been made from the conscious physical possession of the petitioner. Though the petitioner is a food grain dealer but he had not hired the truck in question. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the driver and co-driver of the truck in question suggested that the petitioner and co-accused were responsible for the transportation of the alleged contraband.

Considering the fact that the recovery has not been made from the conscious physical possession of the petitioner nor he was driver of the truck in question, it is admitted fact that co-accused Pintu Kumar is the owner of the truck in question, the investigation has already been concluded and the period in custody, coupled with the fact that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge (NDPS Act), Banka in connection with Special



Case No. 9 of 2019 arising out of Bounsi P.S. Case No. 172 of
2019.

(Dinesh Kumar Singh, J)

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