

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70785 of 2018

Arising Out of PS. Case No.-71 Year-2018 Thana- JANKINAGAR District- Purnia

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Lav Kush Kumar S/o Birendra Singh, R/o Village- Puraini, P.S.- Puraini,
District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar Sinha

For the Opposite Party/s : Mr.Sri Akbar Ali

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 11-01-2019 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Special Case No. 4 of 2018/ CIS No. 4 of 2018 arising out of
Janki Nagar P.S. Case No. 71 of 2018 for the offence punishable
under Sections 8 and 20(b) of the N.D.P.S. Act

The case of the prosecution in brief is that the Police
upon receipt of secret information regarding transportation of
contraband Ganja by a Tata Sumo vehicle, intercepted the said
vehicle and upon search, one quintal and 30 kg. Ganja was
recovered from the said vehicle, and the petitioner who was
sitting in the said vehicle, was arrested from the spot.

The learned counsel for the petitioner has submitted
that the petitioner is innocent and he had only taken lift in the



said vehicle and was unaware about the contraband Ganja loaded in the said vehicle. The petitioner is stated to be languishing in custody since 16.05.2018.

I have heard the learned counsel for the petitioner and perused the materials on record and I find that huge quantity of Ganja has been recovered from the vehicle in question in which the petitioner was also travelling. Nonetheless, as per Section 37 of the N.D.P.S. Act, 1985, no person/accused can be released on bail unless the Court is satisfied that there are reasonable grounds for believing that such person is not guilty of such offence and that he is not likely to commit any offence while on bail. At this stage, there is no material on record to record such a finding as required under Section 37 (1) (b) of the Act, 1985, hence, I do not find any merit in the present petition.

Accordingly, the prayer of the petitioner for grant of regular bail is rejected.

(Mohit Kumar Shah, J)

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