

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82285 of 2019**

Arising Out of PS. Case No.-114 Year-2019 Thana- MADHAURAH District- Saran

Sunil Kumar, son of Kailash Kumar @ Kailash, resident of Village-Badangarh, Police Station - Jhunjhunu, District - Badangarh, State - Rajasthan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

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

Date : 12-12-2019

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

2. The petitioner seeks bail in connection with Marhowrah PS Case No.114 of 2019 dated 07.03.2019 instituted under Sections 8/20 (ii) (c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. The allegation against the petitioner is that from the truck of which he was a driver, 201.03 Kgs. *Ganja* has been seized.

4. Learned counsel for the petitioner submitted that though he is one of the drivers of the truck, he is not responsible for recovery, for the reason that some persons had boarded the truck and it was their luggage/material which has been caught,



for which the petitioner is not responsible. It was submitted that he belongs to Rajasthan and is in custody since 07.03.2019. Learned counsel submitted that co-accused Arman Ali has been granted bail by a coordinate Bench by order dated 17.08.2019 in Cr. Misc. No.30873 of 2019.

5. Learned APP submitted that the petitioner being the driver is responsible for what is loaded on the truck and further that since no other material was recovered from the truck, there is no explanation as to how a truck from Rajasthan would be seized in Chapra in Bihar carrying only *Ganja* and if the plea is accepted that some passengers had boarded it on the way along with said *Ganja*, then also it does not stand to reason as to how a truck would ply empty from Rajasthan to Charpa waiting for passengers to board it on the way. It was submitted that 201.03 Kgs. *Ganja* is a huge quantity and such act is a crime against society as it destroys a whole generation, especially the youth. It was submitted that the petitioner should not be shown any leniency. It was further submitted that the case of the petitioner is different from Arman Ali for the reason that he was not the driver of the truck on which narcotic substance was found and thus, it was primarily his responsibility for the material loaded on his truck.



6. Having considered 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)

J. Alam/-

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