

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20535 of 2020

Arising Out of PS. Case No.-15 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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Md. Khurshid Azam Son of Md. Yusuf Resident of Village - Dilawarpur, P.S.-
Bahadurpur, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Baidya Nath Thakur
For the Opposite Party/s : Mr.Anant Kumar 1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-07-2020 The matter has been taken up through virtual

Court proceeding.

Since the physical court proceeding is non-

functional due to the present pandemic COVID-19, the

matter is listed with defects.

Learned counsel for the petitioner undertakes to

remove the defects within three weeks of the resumption

of the physical Court proceedings.

In case of non-removal of the defects within

undertaken period, the office shall place the matter

before the bench.



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

The petitioner is languishing in custody since 09.07.2019 in a case registered for the offences punishable under Sections 20, 25, 29 of the NDPS Act[hereinafter referred to as 'the Act'].

The prosecution case as per the prosecution report submitted by Intelligence Officer, Narcotics Control Bureau, Patna to the District & Sessions Judge-cum-Special Judge, NDPS Act, East Champaran at Motihari is to the effect that on 08.07.2019, Narcotics Control Bureau, Patna unit seized 45 Kgs of Ganja being transported by a red coloured Maruti 800 car bearing Registration No. BR28-4488 and three persons were apprehended from the car, who disclosed their names as co-accused Indra Kant Dev @ Ranjeet, Rajiv Mandal and Md. Khurshid Azam, the petitioner. The petitioner was alleged to be driving the vehicle in question.

Learned counsel for the petitioner submits that



petitioner was hired as a driver and he had no knowledge about the Ganja being transported in the said car. The petitioner is not having any criminal antecedent and the investigation has already been concluded. Moreover, the search and seizure was not made in accordance with law.

Learned counsel for the Narcotics Control Bureau submits that commercial quantity of Ganja has been recovered.

Considering the fact that recovery of 45 Kgs of Ganja is admitted and petitioner admits that he was driving the car, hence, in view of the embargo under Section 37 of the Act which mandates that no person accused of an offence punishable under Sections 19, 24 and 27(A) of the Act and also for offences involving commercial quantity shall be released on bail or on his own bond unless the public prosecutor has been given an opportunity to oppose the application for such release and where the public prosecutor opposes the application,



the Court is satisfied that there are reasonable grounds
for believing that petitioner is not guilty of such offence,
this Court is not inclined to grant bail to the petitioner.

The prayer for bail of the petitioner stands
rejected.

(Dinesh Kumar Singh, J)

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