

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29709 of 2020**

Arising Out of PS. Case No.-146 Year-2019 Thana- INDUSTRIAL District- Bhagalpur

MANOHAR YADAV @ MANTU, aged 26 years (Male), Son of Mukul Yadav, Resident of Village-Fatehpur, P.S.-Industrial Area, District-Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr.Kundan Kumar, Advocate.  
For the Opposite Party : Mrs. Renu Kumari, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      10-11-2020                      Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks after restoration of normalcy.

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

The petitioner seeks bail in a case for the offence registered under Sections 20/22 of the N.D.P. S. Act.

The prosecution story, in brief, is that the informant received secret information that a *Maruti Suzuki Car* and one *Scorpio vehicle* are coming from Jharkhand with *Ganja* and he



arrived with other personnels and on vehicle checking and seeing the policemen, five persons started fleeing away but on chase, four persons were apprehended and they disclosed their names. On search, 60 kgs., of *Ganja* is said to have been recovered from the *Maruti Suzuki Car* and several mobiles were recovered from their possession.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 31.10.2019. The petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. Upon search, 60 kgs., of *Ganja* is said to have been recovered from the *Maruti Suzuki SX4* bearing Registration No. *WB-02Z-330*. At the same time, one *Scorpio vehicle* bearing Registration No. *BR-10P-9113* was also searched but no incriminating article was recovered from the said vehicle. A petition for release of the said *Scorpio vehicle* bearing Registration No. *BR-10P-9113* was filed by Sri Chamak Lal Mandal, who is the owner of the said vehicle, before the learned District & Sessions Judge, Bhagalpur, stating therein that the *Scorpio vehicle* in question was in queue for the purpose of checking by the police and at



the time of checking, due to non-fulfilment of illegal demand of police, the vehicle was seized and Manohar Prasad (petitioner), being the driver of the said Scorpio vehicle, has wrongly been implicated in the present case, annexed as Annexure-2 to the present application. The petitioner is alleged to be the driver of the said *Scorpio vehicle* from which no contraband is said to have been recovered. He had no knowledge regarding the contraband being carried by other vehicle. He has been made accused in the present case due to mistake of fact.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the facts and circumstances of the case, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 10<sup>th</sup> Additional Sessions Judge, Bhagalpur, in connection with Industrial Area P.S. Case No. 146 of 2019.

**(Sudhir Singh, J)**

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