

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75105 of 2019

Arising Out of PS. Case No.-11 Year-2019 Thana- BARACHATTI District- Gaya

Khushid Khan, Son of Jubair Khan, Resident of Mohalla - Rauja, P.S.- Arrah
Town, Distt - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Ataul Haque, Advocate

For the Opposite Party/s : Mr. J.N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 08-06-2020 The matter has been taken up through virtual Court proceeding.

Heard Md. Ataul Haque, learned counsel for the petitioner and Mr. J.N.Thakur, learned APP for the State.

The present application has been preferred on behalf of the petitioner for grant of bail in connection with a case registered for the offences punishable under Sections 8/20 (b) (ii) (c)/25/29 of the NDPS Act, 1985.

The prosecution case, as per the written report of Sub-Inspector, Arbind Kumar Rai submitted to the Station House Officer, Barachatti P.S., is to the effect that on 08.01.2019at 8.15 A.M., he received a confidential informant that ganja is being transported, consequently, a Bolera vehicle was intercepted which was found being driven by the petitioner,



Khushid Khan and the cleaner, Shakil Khan was found sitting along with him. From the vehicle in question in a concealed chamber in the said vehicle 57.500 kgs of ganja were recovered.

It is submitted by learned counsel for the petitioner that the petitioner is the driver of the vehicle in question and he had no knowledge about the ganja being kept in the chamber of the vehicle in question. The petitioner is languishing in custody since 09.01.2019 and investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that huge quantity of ganja has been recovered from the vehicle in question and the petitioner being the driver of the vehicle who had no knowledge about the contraband being transported, cannot be held accountable.

Considering the recovery of commercial quantity of ganja, the fact that the petitioner was driving the vehicle in question and the embargo under Section 37 of NDPS Act, this Court is not inclined to grant bail to the petitioner in connection with N.D.P.S. Case No. 02 of 2019, arising out of Barachatti P.S. Case No. 11 of 2019 pending in the Court of learned Sessions Judge -cum- Special Judge, Gaya.



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

Let the trial be expedited.

However, if the trial will not be concluded with a period of nine months, the petitioner will be at liberty to renew the prayer for bail.

(Dinesh Kumar Singh, J)

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