

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 78094 of 2019

Arising Out of PS Case No.-150 Year-2019 Thana- IMAMGANJ District- Gaya

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Arun Kumar @ Arun Sao (aged about 35 years, Gender-Male) Son of
Yogendra Sao, Resident of Village - Simri Narayanpur Maigra, P.S.- Maigra,
District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Murari Mishra, Advocate

For the State : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH
ORAL JUDGMENT

Date : 25-08-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Binod Murari Mishra, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.



3. The petitioner apprehends arrest in connection with Imamganj PS Case No. 150 of 2019 dated 26.08.2019, instituted under Sections 8, 20(b)(ii), 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the 'Act').

4. The allegation against the petitioner along with other is of having committed offence under the Act, by dealing in narcotics.

5. Learned counsel for the petitioner submitted that he was not caught at the spot and has been falsely implicated. He further submitted that the petitioner is the owner of the truck and it was the driver, who is responsible for the material which was being carried. Learned counsel submitted that the petitioner has no other criminal antecedent.

6. Learned APP, from the case diary, submitted that the fact that the petitioner was the owner of the vehicle from which the narcotic substance was seized itself proves the complicity of the petitioner. It was submitted that the driver was only a paid employee and without the knowledge and consent of the petitioner, no such article could have been loaded. It was further submitted that the driver has also stated that the petitioner along



with two other co-accused was involved in the business of narcotics.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar/ Anand Kr.

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