

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77441 of 2019

Arising Out of PS. Case No.-171 Year-2018 Thana- JOGBANI District- Araria

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DURGANAND KUMAR BAHARDAR @ DURGANAND BAHARDAR
S/o Jainand Bahardar @ Jaynand Bahadar Resident of Village- Mirganj
Chowk, Amauna, P.S.- Jogbani, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh

For the Opposite Party/s : Mr.Vinod Shanker Modi

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 17-03-2020 Heard both sides.

The petitioner seeks bail in Jogbani(Bathnaha) P.S.
Case No.171 of 2018 registered under Sections 21, 22 and 23 of
N.D.P.S. Act.

The informant(Sub-Inspector of S.S.B.) alleged that a
search was made and from the dickey of the bus bearing
registration No.BR-1PC-2692, 3.440 kgs. of charas was
recovered. The driver and the cleaner of the bus did not disclose
the name of the person/passenger who had kept the bag inside
the dickey of the bus. The informant suspected that the owner,
the driver and the cleaner of the bus might have been trafficking
charas and on such, the petitioner, who is cleaner of the bus, has
been arrested.

The learned counsel for the petitioner submits that the
petitioner is cleaner of the bus. The search and seizure was
made on 20.06.2018. The informant took the statement of the
petitioner but did not arrest the petitioner on the spot



immediately after recovery of the bag from the dickey of the bus. Later on, on mere suspicion, the petitioner has been implicated in the case. There is no material to show that the petitioner, being the cleaner of the bus, had kept the bag containing charas in the dickey of the bus. Petitioner is in custody since 21.09.2019.

Learned A.P.P. submits that the petitioner was the cleaner of the bus and the recovery was made from the dickey of the bus.

Considering the fact that of course recovery was made from the dickey of the bus in which the goods of the passengers are kept and there is no tangible material to show the involvement of the petitioner save and except the suspicion that the petitioner along with the driver and the owner were trafficking the charas, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Araria in connection with Jogbani(Bathnaha) P.S. Case No.171 of 2018.

(Prabhat Kumar Jha, J)

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