

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14341 of 2020

Arising Out of PS. Case No.-1 Year-2019 Thana- D.R.I District- East Champaran

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SANDRIKA PRASAD SAH @ BHAGAT @ MUKHIYA JI Son of Mukhalal
Sah Resident of Village - Pachrukha, P.S.- Banjariya, Distt - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through Intelligence Officer, DRI, Regional Unit,
Muzaffarpur. Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s :	Mr. Nitya Nand Tiwary, A.P.P.
For the Union of India :	Miss. Shail Kumari, D.R.I (C.G.C)

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

9 25-01-2021 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with
N.D.P.S. Case No. 07 of 2019, registered under Sections 20(B)
(ii)(c), 23(c) and 25 of the N.D.P.S. Act.

The accusation is that complainant, Abhinav
Kumar, being Intelligence Officer, D.R.I Unit, Regional Unit,
Muzaffarpur received information, on a specific Intelligence,
that a consignment of Charas is being transported in a truck
bearing Registration No. DL1GC-6769 from Hitauda (Nepal)
to Motihari, then he along with officers of Directorate of
Revenue Intelligence, Regional Unit, Muzaffarpur and the



officers of Customs, Raxaul intercepted the aforesaid truck in the evening of 17.01.2019 at Land Customs Station, Raxaul. On preliminary enquiry, the occupant of the said truck disclosed his name Omprakash Kumar Gupta @ Omprakash, son of Late Vishwanath Sah, Village-Madhopur Madhumalat, P.O+P.S. Turkaulia, District-East Champaran and he also disclosed that he is driver of the truck. On personal search, Omprakash Kumar Gupta @ Omprakash was found in possession of golden colour Mobile phone, Voter Identity Card and cash of Rs. 200/-. On query, Omprakash Kumar Gupta @ Omprakash disclosed that the alleged Charas is concealed in specially built cavity inside the said truck. Then on search, in presence of two independent witnesses, nine packets containing 233 small pockets of Charas, weighing of 214.790 Kg, recovered. He also disclosed that the alleged Charas was loaded at Hithauda (Nepal) in presence of him and his co-driver Asfaq Hawari @ Sukhari and the said Charas was to be delivered at Motihari to Bhagat @ Mukhiyaji (Petitioner), whose house is situated near Shiv Parvati temple in Village-Pachrukha, P.S. Banjaria, District-East Champaran and on the delivery of the Charas, Rs. 50,000/- was to be paid and Sukhari.



Learned counsel appearing for the petitioner submits that it would appear from the complaint petition that while the occurrence is of 17.01.2019 regarding the recovery of Charas from the alleged truck, but the complaint was filed on 11.07.2019 regarding the said occurrence and, thereafter, the petitioner was apprehended by the D.R.I. Unit on 20.06.2019 from Lucknow. The complaint petition indicates that the name of petitioner has come in the confessional statement of co-accused Omprakash Kumar Gupta @ Omprakash, who is said to be the driver of the seized truck from which 214.790 Kg. Charas is said to be recovered. Further submission is that, in fact, the petitioner, after apprehending by the D.R.I. unit on 20.06.2019, has also been remanded in Compliant Case No. 38 of 2019 regarding recovery of 64 Kg of Ganja from the house, while the said house is not belong to the petitioner, rather, the same is of his brother Chandrika Shah. Further submission is that the petitioner is in custody since 20.06.2019.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to 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 learned Additional Sessions Judge-VI, East Champaran, Motihari in connection with N.D.P.S. Case No. 07 of 2019. One of the sureties must be close relative of the petitioner.

(Rajendra Kumar Mishra, J)

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