

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29983 of 2021

Arising Out of PS. Case No.-366 Year-2020 Thana- BIHPUR District- Bhagalpur

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Sujit Roy Son Of Sukumar Roy Resident Of Gopalpur, Police Station-
Kotwali, District- Kuchbihar (WEST Bengal)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Pravesh Nath Tiwari, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

3 13-12-2021 The applicant/accused in Crime No. 366 of 2020 registered with Bihpur (Bhawanipur) Police Station for the offences punishable under sections 366 of 2020 of the Indian Penal Code and Section 8, 20(b) (11)(c) and 22 of NDPS Act, by this application is seeking his release on bail during pendency of the trial.

Heard the learned counsel for the applicant. He submits that bare perusal of the FIR itself shows that the applicant was not connected with the crime in question. The contraband was found to be kept in concealed state in the motorcar. The applicant is not the owner of that motorcar and he is merely a driver. The car was occupied by two other persons and therefore, rigors of Section 37 of the NDPS Act is not applicable to the case in hand.



The learned prosecutor opposed the bail application by contending that considering the nature of the crime, the applicant is not entitled to bail.

I have considered the submission so advanced and also perused the material placed before me.

The case in hand is a case of chance recovery of Ganja kept concealed in a motorcar. On 14.9.2020, first informant, Neeraj Kumar, police officer along with his squad were checking vehicles and during the course of that checking they noticed a Honda Car coming towards them. However, upon seeing the police squad checking the vehicles, it is averred in the FIR that the driver of the motorcar started taking U- turn but he was apprehended by the police party. Ultimately, from that motorcar, Ganja weighing more than 90 kilograms came to be seized. The FIR prima facie shows conduct of the applicant in taking U-turn while noticing the police squad. The contraband was seized from the car driven by the applicant. Hence, no case for grant of bail is made out and therefore, the present application is rejected.

(A. M. Badar, J)

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