

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30185 of 2021**

Arising Out of PS. Case No.-181 Year-2020 Thana- KASBA District- Purnia

GAUTAM SAH S/O RAM CHANDRA SAHA R/O VILLAGE-SUBHASH
PALLI DALKOLA, P.S.-DALKOLA, DISTRICT UTTAR DINAZPUR
(WEST BENGAL)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar

For the Opposite Party/s : Mr.A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 13-08-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of bail in Kasba P.S. Case no.
181/2020 corresponding to Special Case no. 30/2020 registered for
the offence punishable under sections 8/ 21/ 22(b) of NDPS Act.

As per prosecution case, on 24.12.2020 at about 3.30 p.m,
informant received secret information regarding transportation of
brown sugar by the miscreants with the help of local people. At about
3.30 p.m, during course of vehicle checking, informant saw that two
four wheelers were coming and they were stopped and this petitioner
along with two accused persons were apprehended and upon search
100 gram smack and one mobile phone were recovered from the
possession of the petitioner.



It is submitted on behalf of petitioner that petitioner is neither owner nor driver of the vehicle in question and no incriminating article has been recovered from the possession of petitioner. Petitioner had no knowledge about smack being transported by the vehicle and recovered smack is less than commercial quantity. Rigorous of section 37 of NDPS Act would not be attracted against this petitioner. Petitioner has got clean antecedent and is in custody since 25.12.2020.

Learned counsel for the State opposed the prayer for bail and submitted that huge quantity of narcotic has been recovered from the vehicle in which petitioner was travelling.

Considering the fact that huge quantity of narcotic has been recovered, prayer for bail of the petitioner is rejected.

However, once charge is framed and trial commences, trial court (Special Judge NDPS Act, Purnea) is directed to release the petitioner on bail on furnishing bail bonds fixed by the court below itself to its satisfaction.

(Prabhat Kumar Singh, J)

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