

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19753 of 2020

Arising Out of PS. Case No.-172 Year-2019 Thana- BAUNSI District- Banka

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Lal Mohammad @ Lal Mohmmad @ Chunnu Son of Late Hisamuddin
Resident of Village – Rangpura Ward No.08, P.S.- Mirganj, Distt.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

8 10-06-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Bounsi P.S. Case No. 172 of 2019 (Special Case No. 9 of 2019) registered under Sections 22, 8, 22(b)(ii)(c), 25 and 29 of the N.D.P.S. Act.

As per allegation in the F.I.R., on information having been received, checking of vehicle was started by the informant and other police personnel. It is stated that on the truck in question being signaled to stop, the accused persons made an attempt to escape but were chased and caught. Accused Md. Thither and Md. Mir Mukhtar were caught and on search 705 kgs of *ganja* was recovered from the truck. It was stated by Md. Thither that the said *ganja* belonged to one Ranjeet Chaudhary.



Md. Toufiq and truck owner Pintu Kumar were also dealing in *ganja* along with the aforesaid Ranjeet Chaudhary.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the F.I.R. No incriminating article has been recovered from his person or possession. He has neither any concern with the said truck, the allegedly seized articles nor with any of the accused persons named in the F.I.R. His name transpired in course of investigation, when although the accused Md. Thither had not named the petitioner in the F.I.R., however, in his subsequent statement, along with others he also named the petitioner. It is submitted that besides the confessional statement of co-accused made before police, there is no other material against him. The petitioner is in custody since 31.1.2020 and co-accused Md. Toufiq who was named in the F.I.R., has been enlarged on bail vide order dated 12.8.2020 passed in Cr. Misc. No. 22067 of 2020.

The application for bail is opposed by learned A.P.P. for the State who submits that huge quantity of *ganja* has been recovered and the petitioner has been named by the driver himself.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the



case, the submissions made on behalf of the petitioner, the petitioner not having been named in the F.I.R., the period in custody and grant of bail to co-accused Md. Toufiq, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Bounsi P.S. Case No. 172 of 2019 (Special Case No. 9 of 2019) 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, Banka.

(Partha Sarthy, J)

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