

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35560 of 2021

Arising Out of PS. Case No.-325 Year-2020 Thana- CHAKIA District- East Champaran

MD. USHMAN SHEIKH @ USMAN SALIM SHAIKH Son of Md. Salim
Sheikh Resident of Village - 238, Ambedkar Nagar Shiv Shakti, P.A. Marg,
P.S.- Mallad (East), Distt.- Mumbai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prateek Tandon

For the Opposite Party/s : Mr.Surendra Pd. Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-09-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Chakia P.S. Case No. 325
of 2020, registered for the offence punishable under Sections 20,
22 and 24 of the NDPS Act.

As per the prosecution case, 26.434 KG of Charas has
been recovered from a trolley bag kept in the Car and this
petitioner being driver and co-accused Vijay Banshi were
apprehended on the spot.

It is submitted on behalf of the petitioner that
petitioner is nowhere involved in smuggling and has got nothing



to do with the alleged recovery. Petitioner was simply driving the vehicle and has got no knowledge about the Charas. Trolley bag belongs to co-accused Vijay Banshi. No narcotics has been recovered from conscious possession of this petitioner and he is in custody since 21.09.2020 having no criminal antecedent.

Learned APP however, vehemently opposed the prayer for bail and submitted that commercial quantity of Charas has been recovered from a car and this petitioner is driver of the said car he could not escape from his responsibility.

Considering the facts aforesaid and quantity of recovery, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

vinita/-

U		T	
---	--	---	--

