

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39134 of 2020

Arising Out of PS. Case No.-324 Year-2020 Thana- GRIYAK District- Nalanda

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KRISHNA MURARI S/O KEDAR MISHRA R/O VILLAGE -
RUPASMAHAJI, P.S. - SALEEMPUR, DISTRICT - PATNA

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr.Advocate
Mr.Niraj Kumar,Advocate
Mr.Alok Anand,Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal,APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

9 25-03-2021 Heard learned Senior Counsel for the petitioner and

Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Giriya P.S. Case No. 324 of 2020 registered for the offences punishable under Section 8/20(B) (ii)©/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'the N.D.P.S. Act').

Learned Senior Counsel for the petitioner submits that as per the prosecution story altogether 32 packets of ganja which weighed about 39.826 kg were seized from the vehicle in question which was being driven by this petitioner. It is the submission of learned Senior Counsel that even if the petitioner is the driver of the vehicle he cannot be imputed with the knowledge that any ganja was kept behind the backseat of the



vehicle. It was not his own vehicle rather he was provided with the vehicle by co-accused Amit Kumar against whom the investigation is still going on.

Learned Senior Counsel further submits that his conscious of the rigours of Section 37 of the N.D.P.S. Act, however, in the facts and circumstances of the present case and in the nature of the materials collected in course of investigation those conditions for grant of bail may be well fulfilled by this petitioner. Since the petitioner has otherwise no criminal antecedent, if released on bail he is not likely to indulge in any other criminal offence.

On the other hand, learned APP for the State submits that from the First Information Report itself it would appear that the ganja was concealed in a secret place specially mend behind the backseat of the vehicle. The driver has in his statement stated that he was provided with the vehicle and had gone to the State of Orissa from where the ganja was to be carried and the same was to be delivered at Hajipur.

Learned counsel submits that in such circumstance, the very first rigour of Section 37 of the N.D.P.S. Act saying that the Court must have reasonable grounds to believe that the petitioner is not guilty of the offence is not fulfilled.



Having regard to the facts and circumstances of the case and considering the materials showing that the ganja was concealed in a secret place specially mend for that purpose behind the backseat of the vehicle and that the petitioner was driving the vehicle and in fact he was in the command of the vehicle, this Court is satisfied that the conditions prescribed under Section 37 of the N.D.P.S. Act are not being fulfilled by the petitioner so as to enlarge him on bail at this stage.

The prayer for regular bail of the petitioner is, thus, refused.

Let the trial be expedited. The prosecution is expected to cooperate with the trial.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

