

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4976 of 2021

Arising Out of PS. Case No.-49 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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Satyapal Singh Son of Sri Man Singh Resident of Village-Husainpur Hamir,
P.S.-Kundarki, District-Muradabad (U.P.)

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India, through Deputy Director Revenue Regional Unit Patna Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. P.K.Sahi, Sr.Adv.
Mr.Harendra Prasad
For the Opposite Party/s : Mr.A.P.P..

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 08-04-2021 Heard learned counsel for the parties through virtual mode.

The petitioner seeks bail in Special Case No. 49 of 2018, arising out of DRI/LZU/PRU/718(ii)/ENQ-11/2018, registered for the offence under Sections 20, 23, 25, 29 of the N.D.P.S. Act.

As per the prosecution case, 293.700 kg of Ganja has been recovered from a truck, bearing no. UP21BN/7433, of which, petitioner is alleged to be owner-cum-driver.

It is submitted on behalf of petitioner that petitioner seeks bail on the ground of parity, since similarly situated co-accused Rahul Choudhary has already been granted bail by the



court below after framing of charge, in view of order of this Court dated 20.09.2018 passed in Cr. Misc. No. 47641 of 2018. It is further submitted that petitioner has no criminal antecedent and he is in custody since 23.05.2018.

However, learned A.P.P. for the State opposed the bail application and submitted that in this case, huge quantity of Ganja has been recovered from a truck, of which, petitioner is owner-cum-driver.

The case of the petitioner is distinguishable from the case of co-accused Rahul Chaudhary, who has been granted bail. Petitioner is alleged to be owner-cum-driver of the truck in question, whereas, co-accused Rahul Chaudhary, who is also son of this petitioner, was simply travelling in the truck and as such, petitioner cannot claim parity with the co-accused.

Considering the fact that huge quantity of *Ganja* has been recovered from the truck, of which, petitioner is alleged to be owner-cum-driver, the bail application of petitioner is rejected.

(Prabhat Kumar Singh, J.)

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