

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9169 of 2021**

Arising Out of PS. Case No.-322 Year-2020 Thana- KISHANGANJ District- Kishanganj

MAJUDUL HAQUE SON OF KASIM ALI RESIDENT OF VILLAGE
NAGAR KURSA PS DEEN HATA DISTRICT KUCH BIHAR WEST
BENGAL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 07-09-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

The petitioner seeks bail in connection with Kishanganj
P.S. Case No.322 of 2020 registered for the offence punishable
under Sections 20(b) 3/22(3)/ 23(3)/27 of the Narcotic Drugs
and Psychotropic Substances Act, 1985.

The prosecution case is that one vehicle was intercepted
by the police, from which 115.270 kg of ganja was seized. The
petitioner and one Akbar Ali were apprehended from the spot.
Petitioner is the driver of the said vehicle.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has not committed any offence
as alleged in the FIR. No offence as alleged has ever taken



place. He has been falsely implicated in this case on the basis of suspicion only. There is no compliance of section 42 of the NDPS Act. The petitioner is only the driver of the vehicle and had no knowledge about the alleged contraband as he is a mere employee whose duty is to carry out the orders of the owner of the vehicle. The petitioner has no criminal antecedent and has been languishing in custody since 16.8.2020.

Learned APP for the State opposed the prayer for bail by submitting that 115.270 kg of ganja was seized from the vehicle and petitioner is the driver of the said vehicle. The said quantity of the contraband article is more than the commercial quantity.

Considering the facts and circumstances of this case, since the quantity of the article seized is more than the commercial quantity, I am not inclined to grant bail to the petitioner.

Accordingly, the bail application is hereby dismissed.

However, learned trial court is directed to expedite the trial of the petitioner as expeditiously as possible.

(Anjani Kumar Sharan, J)

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