

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11073 of 2021

Arising Out of PS. Case No.-199 Year-2020 Thana- THAWE District- Gopalganj

1. SHAMBHU YADAV Son of Nagina Yadav R/o Village - Ahirauli Dan, P.s.- Tareya Sujan, District - Kushinagar (U.P.).
2. Umesh Mishra Son of Bachcha Mishra R/O village - Fhagu Chapar, P.S. - Tareya Sujan, District - Kushinagar (U.P.).

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dhramveer. Advocate

For the Opposite Party/s : Mr.Anand Kumar Choudhary, APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 02-08-2021

In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioners and the learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners seek bail in Thawe PS Case No. 199 of 2020 registered under Section 424 of the IPC and Sections 8, 20(B) (II) (B) of the NDPS Act.

Two packets, one weighing 19 Kilograms and another weighing 10 Kilograms of Ganja have been seized from the vehicle being driven by petitioner No. 1. Petitioner No. 2 is stated to be in the vehicle at the time of recovery, as a passenger.

It is submitted by learned Counsel for the petitioners that the vehicle stands in the name of a third person namely Amarjeet. It



is a case of false implication as there is no independent witness to support the seizure though recovery is from a car in the premises of the Patrol Pump i.e., in the public place. Petitioners are in custody since 12.10.2020, which has wrongly been stated as 12.1.2020 due to typographical error. The petitioner no. 2 was a passenger and he has become victim of the circumstances.

Learned APP has opposed the prayer for bail. Referring to the provisions contained in Section 37 of the NDPS Act it is submitted that much more than commercial quantity has been recovered from the vehicle in question. These two persons were carrying the same in the vehicle and therefore petitioners may not be granted privilege of bail.

Considering the rival submissions, this Court for the present, is not inclined to allow the prayer for bail.

The prayer for bail is rejected.

It is expected that the trial court will conclude the trial expeditiously without any undue adjournment and delay.

(Madhuresh Prasad, J)

SNkumar/-

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

