

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9733 of 2021**

Arising Out of PS. Case No.-20 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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MANOJ KUMAR S/o- Hira Prasad Resident of Village- Hariharpur, P.S.-
Yadopur, District- Gopalganj.

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : 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**

3 19-07-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of bail in Special Case
no. 71/2019 arising out of F.No.NCB/PZU/V/20/2019 registered
for the offence punishable under section 67 of N.D.P.S. Act.

As per prosecution case, 290 kg. Ganja was recovered
from a truck in which this petitioner along with others were
sitting.

It is submitted on behalf of the petitioner that this
petitioner is neither owner nor driver of the said truck and this
petitioner was simply a co-passenger and he was not aware of



the fact that Ganja was being transported by the victim. It is further submitted that sections 42, 50 and 57 of the NDPS Act has not been followed. Petitioner has got clean antecedent and is in custody since 20.10.2019.

However, learned counsel for the State opposed the prayer for bail and submitted that huge quantity of narcotic has been recovered from the truck and this case is not covered under the exception of section 37 of NDPS Act. Therefore, the law requires that where there is recovery of commercial quantity of narcotic, bail should not be granted.

Considering the rival submissions and materials on record and the fact that commercial quantity of narcotic has been recovered from the truck in which petitioner was sitting, this bail application is rejected.

(Prabhat Kumar Singh, J)

s.hassan/-

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