

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3296 of 2022

Arising Out of PS. Case No.-171 Year-2018 Thana- JOGBANI District- Araria

Uma Shankar Kumar @ Uma Shankar Son of Sri Pankaj Thakur Resident of
Uttari Mandiri, P.S.- Budha Colony, District- Patna, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 26-07-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in Jogbani
(Bathnaha) P.S. Case No. 171 of 2018 corresponding to Special
Case No. 13 of 2018, registered for the offences punishable
under Sections 21, 22 and 23 of the Narcotic Drugs and
Psychotropic Substances Act.

As per the prosecution case, 3.440 KG. of *Charas* has
been recovered from a bus of which this petitioner was driver.

It is submitted on behalf of the petitioner that nothing
has been recovered from conscious possession of this petitioner.
During course of investigation, the Cleaner of bus has stated
that it was some passenger who kept the alleged *Charas* in the
bus. Petitioner has got no knowledge about the narcotic



substance which was being transported by the bus in question and he was simply following the instruction of owner of vehicle. Mandatory provision of search and seizure has not been followed

Counsel for the State however, vehemently opposed the prayer for bail and submitted that more than commercial quantity of *Charas* has been recovered from the bus of which this petitioner was driver.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above-named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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