

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3460 of 2022

Arising Out of PS. Case No.-558 Year-2021 Thana- KISHANGANJ District- Kishanganj

Moti Modi S/o Ramjatan Modi R/o Village- Vishnichak Chandpur, P.S.-
Falka, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Narayan, Sr. Advocate

Mr. Bhola Prasad, Advocate

For the State : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 01-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Kishanganj P.S. Case No. 558 of 2021
registered for the alleged offences under Sections 414, 467, 468
and 120B of the Indian Penal Code and Sections 8/20 (b) (ii) (c)
and 25 of the N.D.P.S. Act.

As per prosecution case, police received secret
information about illicit *ganja* being trafficked in a truck and the
said truck was intercepted and the petitioner who was driving
the truck was apprehended. From the truck total 599.08 kg of
ganja was recovered.



The learned senior counsel appearing on behalf of the petitioner submits that the petitioner has been falsely implicated in this case and he has no concern with the seized contraband. The whole prosecution story is doubtful as a truck was intercepted at about 19:00 O'clock and the seizure list was prepared at 19:10 O'clock. It is highly improbable the police searched the vehicle and measured the contents of 87 bags found in the truck all within the time span of ten minutes. Moreover, till date no forensic examination of the seized contraband has been done so it is not possible to say that the seized contraband was ganja and only upon suspicion the petitioner has been kept in custody. In fact the petitioner is innocent and he has merely taken lift on the said truck and the driver fled away and the petitioner was apprehended and his signature was taken on blank paper. The petitioner has no concern with the seized truck or the seized contraband. There is non-compliance of provisions of Section 50 of the NDPS Act. The petitioner is in custody since 11.11.2021 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that huge quantity of ganja has been recovered from the truck being driven by the petitioner who has got the similar



antecedent.

Perused the records.

Having regard to the nature of allegation which is quite grave and serious and considering the quantity of contraband seized from the truck which was being driven by the petitioner, I am not inclined to enlarge the petitioner on bail.

Hence, the prayer for bail is rejected.

However, the trial court is directed to expedite the trial and conclude the same at the earliest.

(Arun Kumar Jha, J)

Rajnish/-

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

