

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10136 of 2022

Arising Out of PS. Case No.-27 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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Ramesh Kamti Son of Late Ramashish Kamti Resident of Village- Kalyanpur,
P.S.- Chakmehsi and District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mohammed Abu Haidar, Advocate
For the Opposite Party/s : Mrs. Rina Sinha, A.P.P

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 28-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

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

The petitioner seeks bail in connection with a case
registered with Special (NDPS) Case No. 27 of 2021 for the
offences punishable under Sections 8 and 20(ii)(b)(c) of the
Narcotic Drugs and Psychotropic Substances Act.

The prosecution case, in short, is that on the basis of
secret information, informant along with excise officials and
other forces stopped the vehicle bearing no. BR33M/4043 (Pick
up van) for checking and on search, 330 Kg illegal *Ganja* kept
secretly on vehicle in plastic bags and two mobile phones were



recovered from the possession of the petitioner and others and the said illegal *Ganja*, vehicle and mobile phones were seized and accordingly a seizure list was prepared.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case and he has no knowledge of the seized illegal *ganja*. It is further submitted that the petitioner went to Orissa with Mini Truck loaded (pick-up van) with mango as per direction of the owner where as per schedule he parked his vehicle in mango depot, name and stile as Bohra Transport and went to the transport office for taking rest and after that on 05.07.2021 at about 04:00 pm, he moved with truck to Samastipur and in the way near Samekit Janch Chauki, Rajauli, the said truck bearing Registration No. BR-33M-4043 has been checked out by the Excise Authority, where it is said that 330 Kg. Ganja has been recovered into the vehicle under empty mango basket (plastic bags). It is further submitted that the another co-accused, namely, Rahul Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 24.11.2021 passed in Criminal Miscellaneous No. 56115 of 2021. The petitioner is in custody since 07.07.2021, is a person with clean antecedent and charge-sheet has been submitted in the case.



Learned A.P.P. for the State submits that the petitioner is the driver of the said pick-up van and seizure list shows that the said vehicle was seized from Ramesh Kamti (petitioner) and the said illegal ganja was a commercial quantity as such the petitioner does not deserve bail.

Considering the order passed in Criminal Miscellaneous No. 56115 of 2021, accused Rahul Kumar seems to be a passenger of the said vehicle. It is also mentioned in the aforesaid order that in the seizure list 330 kg of Ganja was seized from co-accused Ramesh Kamti (petitioner) and the seizure list does not mentioned in the aforesaid order that any quantity of contraband was found in possession from the co-accused Rahul Kumar and the said seizure list shows that pick-up van was also seized from co-accused Ramesh Kamti.

Considering the facts and circumstances of this case, I am not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail is rejected.

(Khatim Reza, J)

Gaurav Kumar/-

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