

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23058 of 2022

Arising Out of PS. Case No.-267 Year-2021 Thana- BARUN District- Aurangabad

Shiv Kumar Mahto Son Of Vishwanath Mahto @Chirai Mahto Resident Of
Mohalla- Bibiganj, P.S- Gajrajganj O.P Dist- Bhojpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate.

For the Opposite Party/s : Mr.A.G., APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 22-07-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Barun P.S. Case No. 267 of 2021 registered for the offences under Sections 8, 20(B)(ii)(c), 25 and 29 of the N.D.P.S. Act.

On a secret information the police party went to the place of occurrence and stopped a tanker with two persons sitting inside. On search of the vehicle and the accused persons two mobile phones and 401 packets of contraband suspected to be Ganja were seized and 401 packets weighted 20 quintal and 51 kg, i.e. 2051 kg in totality.

The main submissions advanced by learned counsel for the petitioner are that the petitioner had no connection with the alleged recovered contraband and as per prosecution story he is



alleged to be driver of the tanker from which the recovery of alleged contraband was made but he had no knowledge of the recovered articles and he has been languishing in jail since 29.08.2021.

Learned APP appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR. The present case relates to recovery of 20 quintals and 51 kg Narcotic material suspected to be ganja and the said recovery was made from a tanker vehicle and petitioner was found as a driver on the said vehicle when the alleged contraband was recovered. The recovery of such a large quantity of contraband does not make the petitioner's contention as to he had no knowledge of the alleged contraband to be reliable. Accordingly, considering the large quantity of contraband having been recovered from the possession of the petitioner for which a serious punishment is prescribed in N.D.P.S. Act, in my view petitioner does not deserve privilege of bail. Accordingly his bail prayer stands rejected.

(Shailendra Singh, J)

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