

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34125 of 2021

Arising Out of PS. Case No.-366 Year-2020 Thana- BIHPUR District- Bhagalpur

AKHIL DAS SON OF SURENDRA DAS Resident of Village - Talakghadi,
P.S.- Phalakata, Distt.- Alipur Dwar (Jalpaiguri), West Bengal.

... .. Petitioner.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. Ram Pravesh Nath Tiwari, Advocate.
For the State : Mr. Md. Mushtaque Alam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

2 07-01-2022 The applicant/accused in Crime No.366 of 2020 registered with Police Station-Bihpur (Bhawanipur)/N.D.P.S. Case No.22 of 2020 for the offences punishable under Sections 8, 20(b) (11)(c) and 22 of the N.D.P.S. Act, by this application is seeking his release on bail during the pendency of the trial.

Heard the learned counsel appearing for the applicant/accused. He submits that the applicant was gratuitous passenger and the recovery of the contraband was from the secret chamber of the vehicle. As such, he cannot be fastened with the constructive liability in the case in hand. There is delay in sending the F.I.R. to the Magistrate.

The learned A.P.P. opposed the application by contending that the offence is serious.

During the course of routine checking of the vehicles,



police intercepted the Honda City Car in which including the driver three passengers were travelling. From the secret chamber of that car 93 kilograms of Ganja came to be recovered. The quantity so recovered is huge and more than commercial quantity. No case for grant of bail to the applicant is made out. Hence, the following order:

The application is rejected.

(A. M. Badar, J)

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