

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38074 of 2022

Arising Out of PS. Case No.-142 Year-2020 Thana- ATHMALGOLA District- Patna

PANKAJ RAI Son of Late Ram Eshwer Ray Resident of Village - Nayatoal,
Sabnima, P.S.- Athmalgola, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 28-09-2022 Heard learned counsel for the parties.

The petitioner has renewed his prayer for grant of regular bail in a case registered under sections 22(c) and 27 of the N.D.P.S. Act.

As per the prosecution case the petitioner and one another accused were taken into custody and on search 133.5 kgs of ganja was recovered from the vehicle in question.

It is submitted by learned counsel for the petitioner that the earlier prayer for bail of the petitioner was rejected in default by order dated 7.12.2021. On merits it is submitted that the petitioner is neither the owner of the vehicle nor the driver of the same. He was caught under a misunderstanding and has been falsely implicated in the case. He has no concern either with the seized ganja nor with the vehicle. Co-accused Manjay



Rai from whose house 30.46 kgs of ganja was recovered has been enlarged on bail vide order dated 14.9.2022 passed in Cr. Misc. no. 42582 of 2022. The petitioner has no criminal antecedent and he is in custody since 16.6.2020.

A report was called for from the Forensic Science Laboratory. As per the report received, the seized article has been found to be ganja.

Having heard learned counsel for the parties and taking into consideration recovery of 133 kgs of ganja from the vehicle and the petitioner having been caught along with the seized ganja at the place of occurrence, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial court is directed to expedite the trial.

(Partha Sarthy, J)

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