

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49924 of 2021**

Arising Out of PS. Case No.-489 Year-2020 Thana- KUCHAIKOTE District- Gopalganj

TUFANI RAM S/o BISHWANATH RAM @ VISHAWANATH RAM R/O
VILLAGE-BAGAHA, P.S-YADOPUR, DISTRICT-GOPALGANJ.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 25-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing for the State through
video conferencing.

Petitioner seeks regular bail in connection with
Sessions Trial No. 30 of 2020 arising out of Kuchaikote P.S.
Case No. 489 of 2020 registered for the offences punishable
under Sections 20, 22, 25, 29 of the NDPS Act. Subsequently,
charge sheet has been submitted for the offences under Sections
8/20 (b)(ii)(c)/25 of the NDPS Act.

The allegation, as per the First Information Report, is
that a total quantity of 1 quintal 30 kg *Ganja* has been recovered
from a Honda City car in which the petitioner was travelling
along with other accused persons.

Learned counsel for the petitioner submits that the



owner of the Honda City Car is one Suryakant Madheshiya which was being driven by co-accused Ram Kripal Yadav. The petitioner was merely sitting in the car having no knowledge about the *Ganja* being kept in the dicky of the car in question.

Having heard learned counsel for the parties and taking into consideration the statement made in the First Information Report, the fact that the petitioner was found sitting in the car from where a huge quantity of ganja has been recovered, accordingly, this Court is *prima facie* satisfied that the petitioner was having knowledge and control over the contraband which was being hidden inside the car, there is a bar under Section 37 of the NDPS Act and 1.3 quintal *Ganja* has been recovered which is much more than commercial quantity, I am not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner stands rejected.

(Anil Kumar Sinha, J)

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