

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55241 of 2021

Arising Out of PS. Case No.-44 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

=====

OM PRAKASH S/o RAJ PAL SINGH R/o VILLAGE AND P.O-PURAW,
P.S- MLAWAN, DISTRICT-ETAH (U.P)

... .. Petitioner/s

Versus

UNION OF INDIA

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate
For the Union of India : Mr. Praveen Kumar Sinha, Senior Panel Counsel

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 12-05-2022 Heard learned counsel for the petitioner and learned
counsel for the Union of India.

The petitioner has preferred this application for grant
of regular bail in connection with NCB Case no. 44 of 2018
(Spl. Case no. 188 of 2018) registered under sections 20, 25 and
29 of the NDPS Act.

As per the prosecution case, on the truck in question
being stopped for searching, the three accused persons including
the petitioner herein who were seated in the truck were taken
into custody and in their presence, on search, wrapped in 61
packets a total of 732 kgs of ganja was recovered.

It is submitted by learned counsel for the petitioner
that the petitioner has been falsely implicated in the case. No
incriminating article has been recovered from his possession. He
is only a professional driver who was plying the vehicle of the



owner. He did not know the contents of the goods loaded in the truck. It is further submitted that the place of detention and the place of seizure are different which would be evident from the seizure list. No gazetted officer was present at the time of seizure nor any independent witness has signed the seizure list. In spite of the petitioner being in custody since 13.10.2018 out of the 5 chargesheet witnesses only 2 witnesses have been examined on behalf of the prosecution.

The application for bail is opposed by learned counsel for the Union of India who submits that a total 732 kgs of ganja was recovered from the truck being driven by the petitioner.

Having heard learned counsel for the parties and taking into consideration the recovery of 732 kgs of ganja from the truck and the petitioner who was driver of the vehicle being taken into custody on the spot, 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)

Spd/-

U		T	
---	--	---	--

