

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54952 of 2021

Arising Out of PS. Case No.-2 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Aurangabad

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Gorakh Kumar Bhagat Son Of Late Muni Bhagat @ Muni Mali R/O Village-
Birampur, Post- Birampur, P.S.- Koilbar, Dist.- Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shekhar Kr. Singh, Adv. with Mr. Raja Surendra Mohan, Adv.
For the Opposite Party/s	:	Mr. Praveen Kr. Sinha, Adv.
For the U.O.I.	:	Mr.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 27-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
NCB Case No. 02 of 2021 lodged under Sections 8(c), 20(b)(ii)
(c), 25, 29 of the N.D.P.S. Act.

As per the prosecution case, the recovery of 300 kg
Ganja was made from a truck TATA 407 which was given by
the present petitioner. The said *Ganja* was recovered from the
false cavity of the said TATA 407 goods carrier vehicle.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He has

submitted that petitioner is the trained driver and certificate has been allowed to him vide Annexure-2 series from Indian Oil Corporation. He further submits that he was issued a training certificate also which is part of Annexure-2. Learned counsel for the petitioner submits that petitioner is not the owner of the truck. This truck is originally belongs to one Buddhan Yadav who subsequently sold his truck to Vinay Kumar who is accused in this case. He was completely unknown about this fact that what is loaded in the truck. He further submits that petitioner is in custody since 08.02.2021 having clean antecedent, charge sheet has already been filed in this case. Learned counsel for the petitioner has placed a judgment passed by this Court in (***Kali Charan Vs. State of Bihar***) order dated 27.10.2021 in Cr. Misc. No. 16096 of 2021.

Learned counsel for the NCB opposes the prayer for bail and submits that it is the petitioner who was driving the truck from whom the N.D.P.S. material has been recovered 300 kg *Ganja*. It is more than the commercial quantity. Learned counsel further submits that the date of occurrence is 08.02.2021 but the certificates on which the petitioner making reliance that he is engaged in Indian Oil Corporation by virtue of those certificates is valid up to 24.01.2021 only. Learned

counsel for the NCB further submits that the bail of other co-accused persons have been rejected by the Co-ordinate Bench of this Court vide order dated 06.09.2022 passed in Cr. Misc. No. 54838 of 2021 and 56651 of 2021 respectively. He further submits that charge has already been framed in this case.

The judgment on which the learned counsel for the petitioner is relying is applicable only after completion of a jail term of 5 years prior to that this judgment is of no use.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner, therefore, the bail application of the petitioner is hereby rejected.

Learned Trial Court is directed to expedite the trial as early as possible.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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