

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58187 of 2021

Arising Out of PS. Case No.-247 Year-2021 Thana- BARACHATTI District- Gaya

Harmanjot Singh @ Harman Jodh Singh, S/O Manjeet Singh @ Manjit Singh,
R/O Sidhu Patti, Deharka, P.S- Atur, District- Ludhiyana, Punjab.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Shekhar Pandey, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-04-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Barachatti P.S. Case No. 247 of 2021 (NDPS Case No. 42 of 2021) for the offences punishable under Sections 20 / 22 of the NDPS Act.

As per the prosecution case, it is alleged that the police on secret information intercepted a Truck bearing registration No. PB05AJ 8829 and on search total 10 Kg Doda (Poppy straw) was recovered in a yellow colour plastic bag.

It is submitted on behalf of the petitioner that this



petitioner is a driver of the truck and he was not even aware as to what material was carrying in his vehicle, which was loaded by the consigner. It is next submitted that the recovery is though more than smaller quantity, but less than commercial quantity and as such the embargo under Section 37 of the NDPS Act would also not be attracted in the present case. It is next submitted that this petitioner has absolutely clean antecedent and he is the first offender and is in custody since 18.04.2021. It is also submitted at the bar that there is no compliance of Section 100 (iv) of the Cr.P.C. It is further submitted that the petitioner is ready to give undertaking that the petitioner will fully cooperate in the trial and will remain present on each and every date fixed in the trial.

On the other hand, learned APP for the State opposes the prayer for bail and has submitted that the recovery has been made from the truck, which was being run by this petitioner and the petitioner is resident of Ludhiana, Punjab and, as such, there is chances of absconding.

Having considered the submissions made on behalf of the petitioner as well as State and also taking into consideration this fact that the petitioner being the driver of the truck, in question, from which Ganja has been recovered and further he



was totally oblivious of the psychotropic substance, which was allegedly recovered from the truck, in question, inasmuch as the embargo of Section 37 of the NDPS Act would not be attracted in the present case and the petitioner is in custody since 18.04.2021, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-I, Gaya in connection with Barachatti P.S. Case No. 247 of 2021 subject to the condition that one of the bailors will be the local residents with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial. (ii) He will remain present on each and every date of trial till disposal of the case. (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial. (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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