

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58886 of 2021

Arising Out of PS. Case No.-15 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Aurangabad

Sanjay Pandey Son of Late Brij Kishor Pandey Resident of Village and Post -
Sonbarsa @ Sonbarisa, P.S. and District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sushil Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 26-09-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Sushil Kumar Jha, learned counsel for the
petitioner and Mr. Jharkhandi Upadhyay, learned APP for the
State.

The petitioner seeks regular bail, who is in custody in
connection with NCB No. 15 of 2020, for the offences
punishable under Sections 8(c), 20(b)(ii)(c), 25 and 29 of the
N.D.P.S., Act.

The prosecution case based on a written report filed
by the Junior Intelligence Officer, NCB, alleging therein that on
a secret information that a truck bearing Registration No. WB-
76A-7988, carrying huge quantity of Ganja is coming from



Orissa, via Ambikapur to Daltenganj through Aurangabad and on the aforesaid information a team of NCB was constituted and intercepted the said truck. The petitioner said to be second persons sitting in the truck along with the driver. On interrogation both the persons admitted that there was Ganja in the cabin of the truck and on search total 696.750 Kg., Ganja was recovered.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner is said to be cleaner of the truck and he has nothing to do with the alleged packet containing Ganja, concealed in the cabin of the truck. He further submitted that in fact the truck in question runs for transportation of goods on the dictate of the owner/transporter and he has not aware that what was being carried in the truck, as he was working there only for cleaning of the truck and rendering assistance to the driver. He also submitted that in fact on being apprehended, his signature has been obtained on a blank paper and thereafter, the same has been converted into a confessional statement. He next submitted that the petitioner has recently started working on the said truck and he has neither any concern with the driver nor with the owner of the truck. He last submitted that petitioner having fair antecedent, is custody since 15.11.2020.



On the other hand learned APP for the State has vehemently opposed the bail application and submitted that huge quantity of Ganja has been recovered from the truck, where the petitioner was found sitting along with the driver and as such the active participation of the petitioner cannot be ruled out. He further submitted that during the course of investigation, various materials have come, apart from his statement recorded under Section 67 of the N.D.P.S., Act, showing the involvement of the petitioner in the present crime.

Regard being had to the submissions made on behalf of the parties and considering the recovery of huge quantity of Ganja from the truck wherein and the petitioner was also apprehended along with the driver sitting in the said truck and there are other materials which shows the complicity of the petitioner, this court is not persuaded to enlarge the petitioner on bail at present. However, it is expected that the learned trial court will take all necessary measures to conclude the trial, as early as possible.

Accordingly, the present application stands dismissed.

(Harish Kumar, J)

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