

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60389 of 2021

Arising Out of PS. Case No.-150 Year-2019 Thana- IMAMGANJ District- Gaya

Shivendra Kumar Son of Rajesh Paswan, Resident of Village - Karmoun,
P.S.- Imamganj, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Nayan, Adv.

For the Opposite Party/s : Mr. Jagdhar Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

4 09-11-2022 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
N.D.P.S. Case No. 62 of 2019 arising out of Imamganj P.S. Case
No. 150 of 2019, lodged under Sections 8, 20(B)(ii), 25, 29 of
N.D.P.S. Act.

As per prosecution case, the recovery of total 818.1
Kg. of doda has been made from the truck on which the
petitioner was driver.

Learned counsel for the petitioner submits that it is
true that the petitioner was running the truck but he was
completely unaware that what is loaded on the truck. He further

submits that petitioner is in custody since 27.08.2019. He also submits that he has filed a supplementary affidavit in this case, in which he has submitted that charge sheet which was filed in this case is erroneous because conviction of petitioner cannot be secured by prosecution as charge sheet has been submitted without FSL report. A report has been called for from the Trial Court, by which it transpires that charge has been framed against the accused persons on 26.02.2022, out of 7 witnesses, 1 witness has already been examined.

Upon specific query from the Court that whether bail has been rejected earlier, learned counsel for the petitioner submits that it is true that regular bail of petitioner has been rejected twice and even then argued the case on merit.

Learned counsel for the State opposes the prayer for bail and submits that petitioner is truck driver and recovery of N.D.P.S. material which is 818.1 Kg. doka has been made from the same truck to which the petitioner was driving. He also submits that the prayer of bail of petitioner was already refused on merit vide order dated 04.03.2020 passed in Cr. Misc. No.71719 of 2019 and vide order dated 17.02.2021 passed in Cr. Misc. No.39226 of 2020.

In the present facts and circumstances of this case and

the submissions made above, I am not not inclined to grant bail to the petitioner and, therefore, his bail application is hereby **rejected** and the Trial Court is directed to expedite the trial as early as possible.

(Dr. Anshuman, J.)

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