

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61897 of 2021

Arising Out of PS. Case No.-105 Year-2021 Thana- DURGAWATI District- Kaimur (Bhabua)

Javed Alam S/o Md. Nur Alam R/o Village- Dadar, P.S.- Mohania, District-
Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 28-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from today.

In the present case, the petitioner seeks bail in
connection with N.D.P.S. Case No. 13 of 2021 arising out of
Durgawati P.S. Case No. 105 of 2021 registered for the alleged
offences under Sections 8(C), 20(b)(ii)c, 27(A) and 29 of the
N.D.P.S. Act.

The allegation against the petitioner is that about 205
Kgs. of *Ganja* was recovered from the vehicle of the petitioner
and he is said to be driver of that vehicle.

The learned counsel for the petitioner submits that
petitioner is innocent and he has no idea about the nature of



goods which were being loaded on his vehicle. He was just told by the co-accused persons that some goods have arrived by truck and he had to load it on his van for further distribution. When the police party arrived, other co-accused persons fled away but the petitioner did not try to escape and he has caught. This shows that the petitioner has no knowledge about contraband being loaded on the vehicle. He is merely a victim of circumstances. Learned counsel further submits that owner of the vehicle Ms. Sangeeta Kumari has been granted privilege of anticipatory bail vide order dated 11.04.2022 passed in Criminal Misc. No. 55293 of 2021. The petitioner is in custody since 15.05.2021

Learned A.P.P. for the State has opposed the prayer of bail made on behalf of the petitioner. Learned A.P.P. submits that huge quantity of *Ganja* has been recovered from the vehicle of which the petitioner was driver and he was apprehended from the spot.

Having regard to the submissions made hereinabove and considering the fact that 205 Kgs. of *Ganja* was recovered of which petitioner is stated to be driver. I do not think that the case of the petitioner is on same footing with the co-accused Sangeeta Kumari (lady owner of the vehicle). Further,



admittedly it was the petitioner who contracted for loading of the contraband, I do not think it is a fit case of grant of bail.

Hence, the prayer for bail of the petitioner is rejected.

Learned Court below is directed to expedite the trial and conclude the same within one year. In case the trial is not concluded within the stipulated period, the petitioner may renew his prayer for bail.

(Arun Kumar Jha, J)

ved/-

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