

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62849 of 2021

Arising Out of PS. Case No.-4 Year-2016 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

RAKESH SINGH Son of Lakshman Singh Resident of Village -
Vishanbharpur, P.S.- Derni, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar through Superintendent of Police, Economic Offence Unit,
Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate.
Mr. Rabindra Kumar Tiwari, Advocate.
For the Opposite Party/s : Mr. Ramchandra Sahni

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 05-05-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Special (N.D.P.S.) Case No. 8000077 of 2016, Suppl. Record of
Spl. 20 of 2016 arising out of Economic Offence P.S. Case No.
04 of 2016 for the offence punishable under Sections 8/20(b)(ii)
(c)/25/29 of the N.D.P.S. Act.

As per the prosecution story, altogether 425 Kgs of
ganja (Marijuana) was found in a truck (transport vehicle)
bearing registration no. OR-09L-7645 which was coming from
Chhatisgarh to Patna via Chausa-Buxar. Allegation against the



petitioner is that he is the owner of the aforesaid truck and the truck was being driven by one Santosh Kumar Mahto who was in possession of valid driving license.

Shri Yogesh Chandra Verma, learned senior counsel appearing on behalf of the petitioner submits that the petitioner has made specific statement in Para-7 of the present bail application that he had sold the said truck bearing registration no. OR-09L-7645 to one Ravi Singh, S/o Kedar Singh, R/o Sadha Dhala, P.S.-Mufassil, District – Saran on 18.04.2016 for a consideration amount of Rs.9,27,000/- much before the commission of the offence. On 14.05.2016, the aforesaid truck was seized laden with huge quantity of ganja being 425 Kgs. Petitioner is named in the F.I.R. on the basis of registration certificate of said vehicle. In accordance with provisions of Motor Vehicle Act and Motor Vehicle Taxation Act, although no steps were taken either by the petitioner or by the purchaser with regard to transfer of the said vehicle, but the possession of the vehicle was handed over to the purchaser namely Ravi Singh on 18.04.2016. He submits that to that effect affidavits are duly notarised and applications were also filled up in proper form, but the same could not be produced before the Registering Authority. Petitioner is in custody since 08.03.2021.

Learned A.P.P. for the State has vehemently opposed



the prayer for grant of bail to the petitioner. He submits that huge quantity of ganja (marijuana) was recovered from the truck owned by the petitioner and, as such, the petitioner does not deserve to be released on bail.

Having perused the allegation made in the F.I.R. and submissions made on behalf of the rival parties, I am of the opinion that in the present case, 425 Kgs of ganja was recovered from the truck bearing registration no. OR-09L-7645 which was driven by the driver of the truck who was having valid license and the name of the owner has been shown to be the present petitioner as per the registration certificate produced by the driver of the truck before the raiding team.

Considering the specific submission made by learned senior counsel Shri Yogesh Chandra Verma, the court below is directed to verify the affidavits and obtain a report from the District Transport Officer, Saran, especially with respect to the truck bearing registration no. OR-09L-7645, as to whether any applications were made on the basis of the affidavit sworn before the Notary by the present petitioner who had sold to one Ravi Singh. Though such affidavit relates to sale of the aforesaid truck and the amount of sale is Rs.9,27,000/-, the said transfer is not legally valid as per the Registration Act and the same cannot be said to be a valid document in the eye of law.



The District Transport Officer, Saran is directed to submit a report with respect to the aforesaid truck to the court below to the effect that who is the registered owner of the vehicle in question. If it is found that the truck is not registered in the name of the petitioner, the petitioner is directed to be released on bail, on such terms and conditions as fixed by the court below.

Accordingly, the present bail application stands disposed of.

(Purnendu Singh, J)

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