

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57725 of 2022

Arising Out of PS. Case No.-97 Year-2022 Thana- BALIA BELON District- Katihar

Md. Munim @ Md. Munem, aged about- 29 years, Gender – Male, S/O Abdul
Gani R/O- Village- Raghunathpur, P.S- Barsoi, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Qumrul Hoda, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 23-12-2022 The matter has been heard through video
conferencing.

Heard Mr. Md. Qumrul Hoda, learned counsel
appearing on behalf of the petitioner and Mr. Parmanand
Kumar, learned A.P.P. for the State.

Petitioner who is in custody since 05.08.2022 seeks
regular bail in connection with Balia - Belon P.S. Case No. 97 of
2022 registered for offences punishable under Sections 20(b)
and 21(b) of the of the N.D.P.S. Act.

Prosecution story in brief is that total 13.632 Kgs of
Ganja (Marijuana) was recovered from the possession of four



accused persons, who were apprehended from an Auto Rickshaw.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner has claimed the Auto Rickshaw and its chassis number is reflected in the seizure list. Petitioner was mere driver and has no connection with the alleged seized *Ganja* (Marijuana) which was recovered from the possession of the persons, who were passenger on his auto rickshaw. He further submitted that the vehicle has been purchased on finance and real owner of the vehicle is Hinduja Leyland Finance Ltd., Katihar unless and until he pay back the full loan amount. The seizure list reflects that only with intention to implicate the petitioner, the officers have referred only chassis number MBX0003BFXK948369 in spite of the fact that the same has been registered in the name of Hinduja Leyland Finance Ltd., Katihar from whom the petitioner has purchased the vehicle and in this regard, he has annexed 'Annexure-2'. The petitioner has clean antecedent and he is in custody since 05.08.2022.

Learned A.P.P. for the State submitted that from bare perusal of the seizure list it appears that engine number and registration number are not reflected from the seized auto rickshaw, therefore, chassis number has only been given in the



seizure list. Prima facie it appears that the auto rickshaw has been possessed by the petitioner. Agreement entered into with M/s Hinduja Leyland Finance Limited, Katihar on higher purchase basis and to that effect the agreement has been brought on record by way of 'Annexure-2' to the bail application. Since registration number and engine number has been tampered, the said document cannot be relied upon and the same requires to be verified from the office of the District Transport Officer, Katihar and the financier namely, Hinduja Leyland Finance Limited, Katihar.

Considering the allegation made in the F.I.R. and in view of the 'Annexure-2' and submission made on behalf of the learned A.P.P., prima facie it appears to this Court that the document contained in 'Anneuxre-2' requires to be verified from the office of the District Transport Officer, Katihar and the financier namely, Hinduja Leyland Finance Limited, Katihar as to whether the same has been legally obtained by the petitioner or not?

The Court below is directed to obtain report from the District Transport Officer, Katihar as well as Managing Director of Hinduja Leyland Finance Limited, Katihar. In case it is found that the same is not a forged document, the petitioner, above



named, is directed to be released on bail upon furnishing bail bond of Rs. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Katihar in connection with Balia – Belon P.S. Case No. 97 of 2022. In case the report reflects that the same is forged document, the Court below is directed to institute a complaint under Section 340 of the Cr.P.C. for playing fraud with the Court by bringing forged document on record to obtain bail. Other conditions are as follows:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(v) The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending



**against the petitioner as what has been stated in paragraph
no. 3, this order will loose its force automatically.**

(Purnendu Singh, J)

Niraj/-

U		T	
---	--	---	--

