

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20820 of 2023

Arising Out of PS. Case No.-47 Year-2021 Thana- CHANDAN District- Banka

Malay Sarkar Son Of Late Mahindra Chandra Sarkar Resident Of House No. 30, J.C. Bose Road, Ward No. 10, P.O. - New Berrackpur, P.S. - New Berrackpur, Distt. - North Twenty Four Parganas, West Bengal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nagmani Kumar, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 17-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case instituted for the offence under Sections 8/20 (b)(ii)(c), 22, 25 and 29 of the N.D.P.S. Act.

As per prosecution case, on receiving secret information that some persons have transporting consignment of *Ganja* and will going towards Bhagalpur from Deoghar with one white Toyota vehicle then the police party reached at that place and started checking the vehicle and on search there has been recovery of 68.817 Kg *Ganja* kept in 40 packets from the said Car and three persons apprehended.

It is submitted by learned counsel for the petitioner



that petitioner has been falsely implicated in this case being the registered owner of the said vehicle. He has committed no offence. Petitioner has not apprehended on spot. He submitted that the co-accused, who is said to be driver of the said vehicle, namely, Chhabilal Sharma disclosed the fact that the vehicle in question and the said *Ganja* belongs to one Sunil Mandal. It is also appear from vide para-7 of the bail petition that the petitioner has transferred as owner of the vehicle, which is fact according to M.V.I. record, but real fact is that the petitioner were sold the vehicle approx 10 or 11 years before to one Sunil Mandal. Petitioner has no concern with the seized *Ganja* and no incriminating article has been recovered from the conscious possession of the petitioner. He further submitted that the other co-accused, who was apprehended on spot has already been granted bail by a Co-ordinate Bench vide order dated 21.02.2022 passed in Cr. Misc. No. 43465 of 2021. Petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 24.01.2023.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as



period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Court concerned in connection with Chandan P.S. Case No. 47 of 2021.

(Sunil Kumar Panwar, J)

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