

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24127 of 2022

Arising Out of PS. Case No.-319 Year-2021 Thana- BAISI District- Purnia

BITTU KUMAR Son of Tuntan Yadav R/o Village - Choudhai, Post -
Narayanpur, P.S.- Bihpur, Dist.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 09-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Baisi P.S. Case No. 319 of 2021 for the offence registered under Section 414 of the Indian Penal Code and Under Sections 8, 20(b)(ii) (I)/25 of the N.D.P.S. Act.

The case of the prosecution, in brief, is that the police personnel were checking vehicles, whereupon they apprehended the vehicle in question and the petitioner who was driving the said vehicle was also apprehended by the police and on search 121.670 kgs. of Ganja was recovered. It is also alleged that the petitioner had,



upon interrogation, disclosed the name of the co-accused person who is stated to be the owner of the vehicle in question.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 05.11.2021. The learned counsel for the petitioner has further submitted that the petitioner was a co-passenger in the said vehicle, hence he is entitled to be granted the privilege of bail.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the materials available in the case diary, this Court finds that the petitioner was driving the vehicle in question, from which 121.670 kgs. of Ganja has



been seized, which is much more than the commercial quantity defined in the Schedule notified under the provisions of the N.D.P.S. Act, 1985, hence considering the stringent provisions contained under Section 37(1) (b) of the N.D.P.S. Act, 1985, I am not inclined to grant bail to the petitioner herein, hence the present petition stands dismissed.

(Mohit Kumar Shah, J)

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