

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27152 of 2023

Arising Out of PS. Case No.-119 Year-2022 Thana- JOGBANI District- Araria

SAWAN KUMAR PASWAN S/O DHARMENDRA PASWAN R/V- Matiyari,
Ward No.- 02, P.S.- Forbesganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Surendra Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-07-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 20, 21, 22 and 23 of the Narcotics Drugs & Psychotropic Substance Act.

3. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 34 kg of ganja from Apache motorcycle and 37.400 kg of ganja from Bajaj Pulsor motorcycle.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case



as he was not arrested from the spot and he came to be implicated merely on the ground that he is owner of one of seized motorcycles. The learned counsel next submits that the petitioner had sold the motorcycle to one Md. Rizwan but then the ownership was not transferred since Md. Rizwan had not paid an amount of Rs. 10,000/- to the petitioner which was due. The learned counsel next submits that the address of Md. Rizwan along with his parentage and village has been given which amply demonstrates that the petitioner had sold his motorcycle to Md. Rizwan.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that it is nothing but a ploy on part of the petitioner to hoodwink the law, it is further submitted that such kind of transfer is not a transfer in the eyes of law. It is further submitted that if such transfers of vehicles are given credence then wily persons like petitioner will take advantage of the law. It is further submitted that NDPS Act is a stringent Act and the petitioner cannot be given leverage merely for the reason that he makes a submission that he had already sold the vehicle to one Md. Rizwan when the same was not sold in



accordance with law, as such, no such presumption can arise in his favour that he is not the owner of the seized motorcycle. It is next submitted that it appears that the petitioner is involved in such occurrence and thus does not deserve the privilege of anticipatory bail.

6. Considering the submissions made by the learned A.P.P., the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

(Satyavrat Verma, J)

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