

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32686 of 2022

Arising Out of PS. Case No.-270 Year-2021 Thana- BAISI District- Purnia

SACHIN SAHNI Son of Dev Lal Sahni Resident of Village - Gurmia, P.S.-
Kartaha, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rudal Singh
For the Opposite Party/s	:	Mr. Umesh Lal Verma
For the State	:	Mr. Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 03-01-2023 The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in connection with Special Case No. 68 of 2021 (NDPS Act) arising out of Baisi P.S. Case No. 270 of 2021 corresponding to C.R.I. No. 65 of 2021, registered for the offences punishable under Sections 8, 20(b)(ii) (c) and 25 of the NDPS Act.

As per allegation, 472.180 kg of contraband was recovered from a truck.



The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is the driver of the vehicle and he is not aware of the contents of the material loaded in the vehicle. He also submits that search and seizure has not been made as per the rules as provided under the N.D.P.S. Act. He also submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the petitioner has been languishing in jail since 16.09.2021.

It has also been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail submitting that the petitioner is the driver of the truck which was carrying 472.180 of contraband which is much more than commercial quantity and rigors of Section 57 of NDPS Act is applicable.

Considering the aforesaid facts and circumstances, particularly the quantity of contraband, I am not persuaded



to enlarge the petitioner on bail at this stage.

The application stands rejected accordingly.

(Jitendra Kumar, J)

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