

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34578 of 2023

Arising Out of PS. Case No.-420 Year-2022 Thana- BAISI District- Purnia

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ABDUL MOTALIB S/O MAKBUL MIYA R/o Village-Habargadi, P.S.-
Kotwali, Distt.-Cooch Behar (West Bengal)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dewanand Tiwari, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is an accused in connection with
Special (NDPS Act) Case No. 24 of 2023/ CIS No. 24 of 2023
arising out of Baisi P.S. Case No. 420 of 2022 registered for the
offences under sections 08/20(b)(ii)(c), 22 and 25 of the NDPS
Act lodged on 28.10.2022 by the informant, Suraj Prasad.

As per the prosecution story, during the course of
patrolling, the informant alongwith other police personnel
started checking the vehicle at Dikola Check Post and during



that course, informant intercepted one Bolero Ambulance but the driver started to flee away. However, the police party apprehended him. On being asked, he disclosed his name as Abdul Motalib (petitioner).

After seeing the police action, nearby people assembled there but none of them volunteered to become witness and as such in presence of police as independent witnesses, the Ambulance bearing Registration No. WB-63-A-6970 was searched and recovered 31 packets containing total 101 Kilograms '*Ganja*', which was kept and concealed inside the stretcher of the ambulance.

Informant informed to higher police officials. Thereafter, informant searched the apprehended persons and recovered Mobiles with SIMs. Accordingly, Informant prepared seizure list of seized alleged '*Ganja*', Mobile and Ambulance and arrested the petitioner. The apprehended person being driver of the said Ambulance has disclosed that on the instruction of owner of the said Ambulance, namely, Rahul Haque, he was transporting the from West Bengal to Bihar. Accordingly, the FIR.

The recovery is of 101 kg. '*ganja*' from the ambulance which was driven by the petitioner.



Taking into account the kind of recovery for the present, this Court is not inclined to extend him privilege of bail, which is accordingly rejected.

However, the trial Court is directed to expedite the trial and conclude the same preferably within a period of one year.

(Rajiv Roy, J)

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