

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35917 of 2023

Arising Out of PS. Case No.-170 Year-2022 Thana- SIKTA District- West Champaran

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PRADEEP KUMAR Son of Sri Ambika Sah Resident of village - Shivaghat,
Tengrahiya, P.S. - Gopalpur, Distt. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mrs. Indihar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-07-2023 Heard Mr. Umesh Chandra Verma, learned counsel
for the petitioner and learned APP for the State.

The petitioner is an accused in connection with Sikta
P.S. Case No. 170 of 2022 registered for the offences under
sections 8, 20 (b)(ii)(C) and 29 of the N.D.P.S. Act lodged on
15.11.2022 by the informant, Ramesh Kumar Mahto.

As per the prosecution story, the informant, Ramesh
Kumar Mahto, S.I. in Sikta P.S. alongwith other police
personnel was on patrolling duty. At about 4:30 hours, when he
reached near Sikta river, saw a white coloured 'Bolero' vehicle
approaching. When the police party tried to stop it, the driver
fled away with the vehicle. Police chased and stopped the
vehicle. Although the Driver escape, the person sitting was
apprehended. He was the present petitioner. In the presence of
two witnesses, when the said Bolero bearing Registration No.



BR-06-PA-6267 was searched, total 23.292 Kg. 'Ganja' in five plastic packets was/were recovered. Thereafter, the police seized the recovered articles and seizure list was prepared. Accordingly, the FIR.

Learned Counsel for the petitioner submits that he is the owner of the vehicle having little knowledge about the presence of '*ganja*' inside the bolero and as the police stopped the vehicle, the driver escaped and he was apprehended and is languishing in jail.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that the total recovery/seizure is 23.292 kg. of '*ganja*' which is higher than the maximum commercial limit of 20 kg.

Considering the aforesaid facts, this Court is not inclined to extend him privilege of bail, which is accordingly rejected.

(Rajiv Roy, J)

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