

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47466 of 2022

Arising Out of PS. Case No.-189 Year-2022 Thana- BARACHATTI District- Gaya

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Gautam Kumar Son Of Binod Prasad @ Vinod Prasad R/O Village-
Majhayawa, P.S.- Sirdala, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manisha Prakash, Adv.

For the Opposite Party/s : Mr. Zainul Abedin, APP.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

7 18-04-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

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

3. Petitioner seeks regular bail in connection with Barachatti P.S. Case No. 189 of 2022 dated 04.03.2022 registered for the offences punishable under Sections 18, 20 and 22 of the NDPS Act.

4. As per the prosecution, the informant along with other police personnel acting upon a secret information apprehended this petitioner and two other co-accused persons with their vehicles and upon search, total 6 Kg. narcotic material suspected to be *Opium* was recovered from the alleged vehicles,



out of which 3 Kg was recovered from the petitioner's vehicle.

5. The main submissions advanced by petitioner's counsel are that the petitioner has fair and clean antecedent and it is mentioned in the FIR which was registered on the basis of written information given by the police officer concerned that the co-accused persons namely Chhotu Kumar Yadav and Pramod Kumar Yadav indulged in illicit activity of purchasing and selling of *Opium* and the petitioner's name was not revealed as being involved in their said illicit activity and he has been made accused mainly on account of being driver of the alleged container and he became victim of the circumstances. Further submissions are that petitioner has been falsely implicated in this case merely on suspicion and co-accused Chhotu Kumar Yadav had taken lift from the petitioner and the petitioner did not have any knowledge about the said co-accused's illicit activities and furthermore co-accused Chhotu Kumar Yadav did not reveal the petitioner's name as being involved in the alleged crime.

6. Learned APP appearing for the State has opposed the bail prayer.

7. Heard both the sides and perused the FIR, order impugned and the case diary of this case. Admittedly, 3 Kg.



narcotic material suspected to be *Opium* was recovered from the seized container's cabin and the same was kept inside a box and the petitioner was admittedly driver of the said container when the alleged vehicle was stopped and searched by the police party and as per the Investigating Officer, on seeing the police party, this petitioner and other co-accused persons tried to flee and the said conduct goes against the petitioner and the same is sufficient to draw an inference as to the involvement of the petitioner in the alleged crime and the recovered contraband comes in the purview of commercial quantity, accordingly, in view of the provisions of Section 37 of N.D.P.S. Act, the petitioner is not entitled to the privilege of bail at this stage, hence, his prayer for bail stands rejected.

8. The trial Court is directed to expedite the trial of the petitioner if the same has started and take steps to conclude the same in the next one year. If any significant progress is not made in the petitioner's trial within the said period and he co-operates in his trial then the petitioner may renew his bail prayer.

(Shailendra Singh, J)

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