

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16044 of 2024

Arising Out of PS. Case No.-1098 Year-2023 Thana- TURKAULIYA District- East
Champaran

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Azad Hussain SON OF ROZ MIYAN R/O VILLAGE- SHIWAGHAT
TEGRQAHIIYA, P.S.- GOPALPUR, DIST.- WEST CHAMPARAN,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mohit Shriwastava

For the Opposite Party/s : Mr.J.N. Thakur

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 25-07-2024 Heard the learned counsel for the petitioner as well
as the learned Additional Public Prosecutor for the State.

2. The petitioner is seeking regular bail in connection
with Turkauliya (Banjariya) P.S. Case No. 1098 of 2023 for the
offences punishable under Sections 8 20(b) (ii) (C) 23 and 25 of
the NDPS Act, 1985.

3. As per allegation, on the tip off, the informant
along with police personnel proceeded from the police station
and reached near Khadba Bridge and started checking of the
vehicle. In the meanwhile, one silver colour Bolero vehicle
having its registration no. BR02M0939 reached there and seeing
the police official tried to flee away but on chase, the said
vehicle has been nabbed. On demand, the driver could not be
able to produce any paper with respect to the vehicle. The



petitioner is the driver of the vehicle. On search, 5 bundles ganja weighing 46 kgs kept in three bags of the cloths has been recovered from the said vehicle.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. He has further submitted that he is not owner of the vehicle from which ganja is said to have been recovered. He has also submitted that the petitioner is not aware with the consignment, kept in the car. The petitioner is under custody since 24.10.2023.

5. On the other hand, the learned APP for the State has opposed the prayer for bail and submitted that from the vehicle to which the petitioner is said to be driver, 46 kg ganja was recovered. The recovered ganja is in commercial quantity. The petitioner has one criminal antecedent.

6. Considering the above-mentioned facts and circumstances as well as the gravity of the allegation and also the fact that the petitioner has a criminal antecedent, I do not think it to be a fit case for bail, which is hereby rejected.

(Nawneet Kumar Pandey, J)

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