

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26194 of 2024

Arising Out of PS. Case No.-119 Year-2022 Thana- JOGBANI District- Araria

Sawan Kumar Paswan S/O Dharmendra Paswan R/O Vill. - Matiyari ward no. 2, P.S - Farbesganj, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Manisha Khushi

For the Opposite Party/s : **Mr. Ashok Kumar Singh**

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 17-05-2024 1. Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Jogbani P.S. Case No.119 of 2022 registered for the offences punishable under Sections 20, 21, 22 and 23 of the NDPS Act.

3. Learned counsel for the petitioner submits that the petitioner, being owner of the motorcycle, has been falsely implicated in the present case. It is further submitted that petitioner had sold the motorcycle to his nephew Guddu Paswan who in turn sold the same to Md. Rizwan but then the ownership was not transferred when the occurrence is alleged to have taken place. It is also submitted that petitioner is a person with clean antecedent, but then it is a case under the NDPS Act with an allegation of seizure of commercial quantity of Ganja. It is next submitted that petitioner was not apprehended from the spot and came to be implicated merely for the reason that he is



owner of the seized motorcycle, though he had sold his motorcycle, but then the ownership was neither transferred in the name of Guddu Paswan or Md. Rizwan but an affidavit was prepared showing sale of motorcycle in favour of Guddu Paswan. It is also submitted that petitioner is in custody since 05.02.2024.

4. Learned A.P.P. for the State opposes the prayer for regular bail of the petitioner and submits that no doubt petitioner is a person with clean antecedent, but then the ownership of the motorcycle remained with him, on which the learned counsel appearing on behalf of the petitioner submits that no prudent person would use his own vehicle for committing an occurrence and thus would create evidence against himself and hence would get implicated. Since allegation is of seizure of commercial quantity of Ganja, as such, the Court for the present is not inclined to release the petitioner on bail.

5. Accordingly, the present bail application stands rejected.

(Satyavrat Verma, J)

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