

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33381 of 2024

Arising Out of PS. Case No.-423 Year-2022 Thana- KUCHAIKOTE District- Gopalganj

Iliyash Hussain @ Iliyas Husen, Son of Mansur Ali Miya, Resident of Village- Ghughumari Bazar (Dhudhmari Bazar), P.S- Kotwali, Cooch Bihar (Kuch Bihar), West Bengal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Pandey, Advocate

For the Opposite Party/s : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 28-06-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. In the present case, the petitioner seeks bail in connection with NDPS Tr. No.65/2022, arising out of Kuchaikot P.S. Case No.423 of 2022, registered for the alleged offence under Sections 8 (c), 20 (B) (ii) (c) of NDPS Act.

3. As per prosecution case, during checking of vehicles, driver of one pick up vehicle started fleeing away, who was apprehended and from the vehicle, recovery of 88.3 Kg of ganja was made. The petitioner is the apprehended person.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is the driver of the seized vehicle and has no



concern with the seized ganja as the owners of the vehicle have loaded the vehicle with goods and the petitioner was asked to deliver it at the destination. The petitioner has no knowledge about the contraband. The petitioner is in custody since 17.09.2022 and only one witness has been examined before the learned trial court.

5. The learned APP vehemently opposes the submission made on behalf of the petitioner. The learned APP submits that recovery of contraband was made from the cabin of the vehicle of the driver and the story of the petitioner is not believable as he tried to flee away from the spot since he was all along knowing about presence of ganja in the vehicle.

6. Having regard to the recovery of more than 88 Kg. of *ganja* from the cabin of the vehicle of the petitioner, I am not inclined to enlarge the petitioner on bail.

7. Accordingly, his prayer for grant of bail is rejected.

8. However, the learned trial court is directed to expedite the trial and conclude the same preferably within next nine months.

9. At the same time, the Superintendent of Police, Gopalganj is directed to ensure the presence of remaining prosecution witnesses on the dates fixed before the learned trial



court. In case, the Superintendent of Police fails to produce the witnesses on the dates fixed, he will be called before this Court to explain his conduct.

V.K.Pandey/-

(Arun Kumar Jha, J)

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