

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59463 of 2024

Arising Out of PS. Case No.-648 Year-2023 Thana- ARARIA District- Araria

Shrawan Kumar @ Sharwan kumar son of Vishwanath Ray village- Ward no. 15, Kutubpur, PS- Bidupur, District- vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Niraj Kumar, Advocate
		Ms. Saloni Sinha, Advocate
For the Opposite Party/s	:	Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 26-10-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Special Case no. 53 of 2023, arising out of Araria (Bairgacchi) P.S. Case no.648 of 2023, registered under sections 8, 20(b)(ii)(C), 25 and 29 of the NDPS Act.

3. As per the prosecution case, on a search being conducted, 85.9 kgs of *ganja* was recovered from a secret chamber below the seat of the car and the accused persons including the petitioner herein who happens to be the driver of the vehicle were taken into custody.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. He is a



professional driver and has no concern with the seized article nor with the vehicle in question. He was not aware of any secret chamber or the alleged drugs being carried. He is in custody since 28.6.2023 and has no criminal antecedent. He undertakes to cooperate in the case/trial.

5. The application for bail is opposed by learned APP for the State, who submits that commercial quantity of 85.9 kgs of *ganja* was recovered, the petitioner who was the driver of the vehicle was taken into custody and the recovery was from a special chamber made in the vehicle.

6. A report was called for from the learned trial Court. As per the report received, charge has been framed in the learned trial Court on 23.3.2024, however, no witness has been examined inspite of issuance of non-bailable warrant for production of the witnesses and the same having been sent to the Superintendent of Police, Araria.

7. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the FIR, commercial quantity of 85.9 kgs of *ganja* having been recovered from a special chamber made in the vehicle and the petitioner being the driver of the said vehicle, the Court is not inclined to enlarge the petitioner on bail and the application is



rejected.

8. The Superintendent of Police, Araria is directed to get the non-bailable warrants issued by the learned trial Court and which as per the report dated 9.10.2024 already having been sent to the Superintendent of Police, Araria for production of the witnesses, executed to ensure the appearance of the witnesses for early conclusion of the trial.

9. Let a copy of this order be communicated to the Superintendent of Police, Araria.

(Partha Sarthy, J)

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