

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80088 of 2023

Arising Out of PS. Case No.-150 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

Shamshad @ Shamashad Son Of Nursain Resident Of Village- Chitariya
Jageertar Kar Majhra, P.S.- Tanda, District- Rampur (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Dubey

For the Opposite Party/s : Mr. Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 05-07-2024 Heard the learned counsel for the petitioner and
learned counsel for the State.

2. The petitioner apprehends his arrest in the present case registered for offences under Sections 27(b)(ii), 27(D)/28 of the Drug and Cosmetics Act, 2008 and Section 22 of the NDPS Act.

3. As per the prosecution case, the petitioner is the owner of the truck from which huge quantity of cough syrup has been recovered.

4. Learned counsel for the petitioner submits that petitioner being the owner of the vehicle cannot be fastened with the liability of carrying goods which are not permissible in law.

5. Learned counsel for the petitioner next submits



that he has filed the document by way of supplementary affidavit to show that the petitioner is the owner of the vehicle and he was not found in the vehicle and he had given his truck for transportation to an agency.

6. Learned counsel for the petitioner further submits that two drivers who were found in the truck have been granted regular bail by this Court vide order dated 12.07.2023 in Cr. Misc. No. 34851 of 2023.

7. Learned APP for the State has vehemently opposed the prayer for bail.

8. Considering the fact that petitioner is the owner of the vehicle and was not found in the truck and also the fact that the owners are not required to know as to what goods are being transported by the transport company, this application for anticipatory bail is allowed.

9. Accordingly, let the petitioner, above-named, in the event of his arrest or surrender within four weeks from today in the Court below, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VIIIth, Gopalganj/concerned court below in connection with Kuchaikote P.S. Case No.150 of 2023



subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure also subject to the condition that:-

- (i) *The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on absence on two consecutive dates without sufficient reason, the bail bond shall be cancelled by the Court below.*
- (ii) *one of the bailor should be close blood relative of the petitioner.*

10. This application for anticipatory bail is allowed.

(Sandeep Kumar, J)

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