

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.193 of 2024

Arising Out of PS. Case No.-808 Year-2023 Thana- Excise P.S. District- Gopalganj

NOOR HUSSAIN SON OF DELWAR HUSSAIN RESIDENT OF VILLAGE
- EKMUKHA, P.S. - KOTWALI, DISTRICT - COOCH BIHAR (WEST
BENGAL), PIN CODE - 736157

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan, Advocate

For the Opposite Party/s : Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 24-01-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Gopalganj Excise P.S. Case no.808 of 2023 registered under sections 8(C), 20(b)(ii)(c), 25 and 29 of the NDPS Act.

3. As per the prosecution case, on a search being conducted, 64.370 kgs of ganja was recovered from the vehicle being driven by this petitioner.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. He is a professional driver who was hired by the owner of the vehicle namely Raju Hussain. He did not know the contents of the goods loaded therein. There is no independent witness to the



seizure list and there is violation of sections 42 and 55 of the NDPS Act. The petitioner is in custody since 10.8.2023 and chargesheet has been submitted in the case. He has no criminal antecedent.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner, recovery of 64.370 kgs of ganja from the vehicle being driven by the petitioner and the petitioner having been arrested at the spot, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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