

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13428 of 2025

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

Noor Hussain Son of Dilawar Hussain Resident of Village - Akmukha, P.O.
and P.S. - Kotwali, District - Cooch Bihar, (West Bengal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dharmveer, Advocate
		Mr. Priyadarshni Kumari, Advocate
For the Opposite Party/s	:	Mr. Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 02-05-2025

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer 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 earlier application for bail of the petitioner was rejected vide order dated 24.1.2024 passed in Cr. Misc. no.193 of 2024. The petitioner who happens to be a professional driver has been falsely implicated in the case. He has no concern either with the



vehicle in question or with the incriminating article which is said to have been recovered from the said vehicle. He was engaged to drive the same temporarily. The petitioner has no criminal antecedent and is in custody since 10.8.2023. He undertakes to cooperate in the trial.

5. The prayer for bail is opposed by learned A.P.P for the State, who submits that the petitioner being a resident of the State of West Bengal, once he is enlarged on bail, he will not permit the trial to proceed and conclude. It is further submitted that the recovery is of commercial quantity of *ganja*.

6. A report was called for from the learned trial Court. As per the report received contained in letter dated 15.4.2025 of the 1st Additional Sessions Judge, Gopalganj, charge has been framed in the learned trial Court on 2.1.2025 and summons have been issued for appearance of the charge-sheeted witnesses.

7. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner in the F.I.R being of recovery of 64.370 kgs of *ganja* from the vehicle being driven by this petitioner and the petitioner having been arrested at the spot together with charge having been framed in the learned trial Court, the Court is not inclined to enlarge the petitioner on bail and application is rejected.



8. The Superintendent of Police, Gopalganj is directed to take steps to ensure the appearance of the official witnesses in course of trial in the learned trial Court.

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

10. Let a copy of this order be communicated to the Superintendent of Police, Gopalganj as also to the learned trial Court.

(Partha Sarthy, J)

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