

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43476 of 2025

Arising Out of PS. Case No.-93 Year-2024 Thana- JOGBANI District- Araria

Md. Husain @ Md. Hussain S/o Md. Aiyub R/o Village- Amouna Ward No.
01, P.S.- Jogbani, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Ziaul Quamar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 16-07-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Jogbani P S Case No. 93 of 2024 dated 11-05-2024, instituted
under Sections 20(b)(ii)(C) of the Narcotic Drugs and
Psychotropic Substances Act..

3. The prosecution case, in brief, is that on
10.05.2024, while the informant, Surendra Kumar, ASI/GD and
Party Commander of 56th Bn SSB Bathnaha, was on BIT duty
at BCP Gate, Jogbani, a white car entered India from Nepal.
Acting on suspicion, the vehicle was intercepted and upon
search, 28 kg of ganja was recovered from behind the rear seat.



While the driver managed to flee, two persons, namely Surya Narayan Yadav and Gyan Chand Sah were apprehended at the spot. A seizure list was duly prepared, and an FIR was lodged on the basis of the written report.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. It is contended that there has been non-compliance with the mandatory provisions of Sections 42 and 57 of the NDPS Act. Furthermore, no recovery has been made from the conscious possession of the petitioner; rather, 28 kg of ganja was recovered from the seized vehicle. Co-accused Gyan Chand Sah and Surya Narayan Yadav were arrested at the spot and name of the petitioner was not taken by the accused persons. It is vehemently submitted that petitioner sold the seized car to one Sudhi Kumar Patel son of Thakan Mandal resident of ward no.6, Bhimpur, P.O.+ PS Bhimpur, district supaul in the year 2024. It is further submitted that after the purchase of said car, the said Sudhir Kumar Palel took a loan as owner of the car from Cholamandala Investment and Finance Company limited against the said vehicle (Annexure-2). The loan amount was sanctioned on 30-04-2024 and said Sudhi Kumar Patel has consistently made their monthly loan installments. It is also



submitted that the petitioner has no criminal antecedents.

5. On the other hand, learned APP for the State has vehemently opposed the prayer for anticipatory bail. It is submitted that 28 kg of ganja was recovered from a Hyundai Verna car bearing Registration No. BR-11X-7638, which is registered in the name of the petitioner.

6. Considering the recovery of commercial quantity of ganja from the said vehicle and the fact that the petitioner is the registered owner of the car, this Court is not inclined to grant anticipatory bail to the petitioner at this stage.

7. Accordingly, the prayer for anticipatory bail is rejected.

(Khatim Reza, J)

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