

In the court of 1st Addl. Sess. Judge-cum-special Judge (N.D.P.S.), Aurangabad.

Risiup P.S. Case No. - 50/2017

G.R. No. - 10/2017/14/2019

CIS No. 26/2017

State Vs. Bittu Singh

Date:- 10.12.2019

Bail petition filed on behalf of the accused/petitioner Bittu Singh who is in custody since in connection with the instant case being Risiup P.S. Case No. - 50/2017 under Sections 8/20 (b) (ii) (c), 25/29 of N.D.P.S. Act-1989 is put up for hearing.

Prosecution case in short is that on 29.07.2017 on the basis of intelligence input a raiding party of police personnels was constituted. Spy reported that an Eicher DCM vehicle no. UP 50 BT 4817 from Odisha was carrying Ganja through Ambikapur, Sasaram, Aurangabad and it's destination was Allahabad. On 30.07.2017 the police saw said vehicle near Do-muhan bridge coming from Hariharganj side. The vehicle was stopped. Two persons who were be-seated on the driver seat disclosed their names as Yogendra singh (driver) and Upendra Pasi (associate). On search 395 packets inscribed and marked thereon P-1 to P-395 weighing 1 kg each; total 395 kgs Ganja were recovered. Yogendra Singh driver and his associate Upendra Pasi further disclosed that at the instance of Bittu Singh and owner of the vehicle Vibha Chaurasia and her husband Satish Chaurasia, they had gone to Sambalpur by train, where said vehicle was handed over to them. They have also disclosed that the said consignment was to be delivered to Satish Chaurasia and Vibha Chaurasia at Allahabad.

Heard Shri Gupteshwar Prasad, learned counsel for the petitioner as well as Shri Parwez Akhtar, learned Special Public Prosecutor for the State.

Learned counsel for the petitioner submitted that he is innocent. Name of the petitioner has come to light in the statements of Yogendra Singh and Upendra Pasi. There is land dispute between Yogendra Singh and Bittu Singh, since both of them belong to the same village. Statement made before police is not admissible. Nothing has been recovered from the possession of the petitioner. So, the petitioner be granted bail.

Learned Spl. P.P. vehemently opposed the prayer of bail petition of the petitioner.

Heard and perused the case record, it appears that the informant in his re-statement at para 8 and witnesses at paras 12, 13, 17 and 18 have supported the case of prosecution and stated about the involvement of the petitioner in the alleged crime. There is specific evidence against the petitioner in the case diary that he was in contact with the co-accused Yugendra Singh and Upendra Pasi and was guiding them in transportation of the huge quantity of GANJA concealed in the

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body of the Truck. Accused Yogendra Singh and Upendra Pasi were arrested in the police party with the contraband. The police after completing investigation has found the case true against the petitioner and filed charge-sheet against him. The offence alleged is serious having bad impact on the society.

Dictated

1st.Addl. Distt. & Sess. Judge-
cum-special Judge (NDPS)
Aurangabad.