

Court of Additional Sessions Judge Ist, Gaya  
N.D.P.S. Case No. 41/2021

25.02.2022 The present regular bail petition has been filed on behalf of the petitioner Lal Babu Sahni who is in judicial custody since 18.04.2021 in connection with Excise (N.D.P.S.) Case No. 41/2021 u/s 8, 20(b)(ii)(c) of the N.D.P.S. Act has been pressed by his learned counsel.

Heard learned counsel for the petitioner and the learned Special P.P. in virtual court.

It has been submitted on behalf of the petitioner that earlier no bail petition has been filed before this court or any other superior court, therefore, this is the first bail petition before this court. The petitioner is innocent and he has been falsely implicated in this case and nothing has been recovered from his conscious possession. The petitioner has clean previous antecedent altogether and there is no any criminal history against the accused petitioner.

Learned Special P.P. opposed the bail.

As per the prosecution report of the informant Deepak Kumar Singh, Excise Inspector, the case of the prosecution, in brief, is that on 17.04.2021, on the basis of confidential information, he along with other Police personnel was checking vehicles at Dobhi Check Post and in that course, total 115 packets of illicit excise product namely Ganja weighing total 350 Kg. was recovered and seized from the truck bearing registration No. WB-19H-5287. Accordingly, seizure list was prepared and the petitioner alongwith co-accused Sardar Singh were arrested on the place of occurrence.

Having heard the learned counsel for the petitioner as well as the learned Additional P.P. for the State, it transpires that the petitioner is named in prosecution report. He is driver of the seized truck from which illegal Ganja was recovered. Petitioner accused along with other co-accused apprehended by the Police on confidential information, while he was driving the truck bearing registration No. WB-19H-5287 and 350 Kg. of Ganja has been found inside the said truck. Ganja has been recovered from the constructive possession of this petitioner accused. As per section 37 of the N.D.P.S. Act, the petitioner is not entitle for bail.

Thus, considering the facts and circumstances of the case and nature of allegation against the petitioner, I am not inclined to enlarge the petitioner on bail. Hence, his prayer for bail is hereby rejected.

(Dictated)

Sd/-

Additional Sessions Judge Ist, Gaya