

Court of Additional Sessions Judge Ist, Gaya
N.D.P.S. Case No. 62/2021

31.01.2022 Bail petition dated 17.11.2021 filed on behalf of petitioner Harish Kumar in Excise Case (N.D.P.S.) No. 62/2021 who is in custody since 23.08.2021 u/s 08, 20(b)(ii)(C) of 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 no bail petition, either regular or anticipatory, on behalf of the petitioner, either in this court or any other higher court, has earlier been filed. The petitioner is innocent, he has committed no offence and he has falsely been implicated in this case. The petitioner has got no criminal history in any police record or in any complaint record, except this present case of Excise Case (N.D.P.S.) No. 62/2021 pending in this court.

Learned Special P. P. opposed the bail.

As per prosecution report, prosecution case in brief is that on 22.08.2021 at about 10:25 A.M., a truck (container) bearing registration No.HR-38W-7582 loaded with total quantity of 1100 Kg. illegal Ganja is said to have been seized by informant Deepak Kumar Singh (Officer conducting the search cum Excise Inspector, Samekit Check Post Dobhi, Gaya) on the Check Post of Dobhi with the help of other officials at the time of checking all the vehicle coming from Jharkhand side near the joint checking of Dobhi Check Post and during the course of checking of vehicle, the driver of the said truck succeeded in fleeing away, but the Khalasi was apprehended by the informant who disclosed the name of the driver of the said truck as Mohit Sharma alias Fauji. In presence of Khalasi of the said truck, the truck was checked and 1100 Kg. Ganja contained in 36 plastic sacks was recovered from the secret box of the truck and seized and seizure list was prepared in presence of the witnesses and took L.T.I. of the Khalasi (petitioner) and L.T.I./signature of the witnesses on the seizure list and the informant also put his signature on the seizure list and arrested the Khalasi (petitioner).

Having heard the learned counsel for the petitioner as well as the learned Additional P.P. for the State and perusal of record, it transpires that the petitioner is named in prosecution report. He is Khalasi of the aforesaid seized truck (container). Allegation against the petitioner is that 1100 Kg. Ganja was recovered from his truck (container) by the informant.

(Continued)

Court of Additional Sessions Judge Ist, Gaya
N.D.P.S. Case No. 62/2021

Contd.

31.01.2022

Thus, in view of the above discussed facts and circumstances of the case and nature of allegation against the petitioner, I am not inclined to enlarge the petitioner on bail. Hence, bail petition of the petitioner is hereby rejected.

(Dictated)

Sd/-

Additional Sessions Judge Ist, Gaya