

**IN THE COURT OF ADDL. SESSIONS JUDGE-1st, GAYA**

**N.D.P.S. Case No. 72/2021**

**(I.A. 01/2022)**

11.05.2022 The present regular bail petition has been filed on behalf of the accused/petitioner Md. Abid, S/o Munshi Khan who is in judicial custody since 21.09.2021 in connection with Excise Case No. 72/2021 U/s 8/20(b)(II)C of N.D.P.S. Act.

Case of the prosecution, in brief, as per written report of the informant is that on 21.09.2021 informant along with other police officials were on duty and were checking vehicle which were coming from Jharkhand, in the mean time secrete informant they stop DCM Truck bearing registration No. HR-74-9193 for checking then driver and Khalashi of the truck try to escape but they have been apprehended by the police officials and on suspicion informant serve notice u/s 50 of the N.D.P.S. Act to the driver and Khalashi and told that informant has got an secrete information that you are transporting narcotic substance and following all legal process informant and his team made search truck and on search beside chips cartoon 11 bora Ganja recovered from the truck. On ask driver and Khalashi told in that the said seized material is of Arun of Haryana and Arun has given mobile with sim card to Driver and Khalashi for communication and Arun was in contact with driver Dinesh Rajpur and Khalashi Md. Abid. Informant made seizure-list of recovered 330 K.G. Ganja and mobile.

Learned Advocate for the petitioner has prayed for bail on the ground that it is a case of falsely stuck of poor little and innocent boy in the case by influential people who has no knowledge and no any information about the recovered material and no any information about the petitioner have no any criminal antecedent except this case. The petitioner is poor Khalashi and only employee of the owner of the truck he has no knowledge and no any information about the recovered material (Ganja). The petitioner's father Munshi Khan is an old man and suffering from many disease and immediate operation of his father is essential as advised by the doctor of the petitioner and from every angle the petitioner is innocent and he is doing the job of Khalashi due to poverty and he is only male earning member and he and his family member have no any information of recovered suspected material. Petitioner will obey every terms and condition if your honor may release petitioner due medical treatment of petitioner sick father.

Learned Special P.P. (N.D.P.S. Act) has vehemently opposed the prayer for bail. The seized material is commercial quantity and the accused petitioner along with other apprehended on spot.

Heard both sides and perused the case record. From perusal of record as well as case diary, it appears that the police recovered 330 K.G. Ganja from the truck bearing No. HR-74-9193 which was driven by driver Dinesh Rajput and assisted by Md. Abid (Khalashi). It further appears that recovered 330 KG Ganja is commercial quantity. Further perusal of the case record, it transpires that the record is running for supplying police paper. Accused/petitioner is an active member of racket of contra banned article Ganja and he is involved in this crime with his associates and when

he was crying the contra banned article Ganja, he was found in contract with his other associates. Further it appears that having knowledge of 330 KG. Recovered Ganja accused petitioner and his co-accused were transporting the same which shows that they are smuggler of narcotic substance. The act of the accused petitioner is evil for the whole society and gives wrong message to the whole society. It is a serious offence committed by the accused/petitioner.

In view of the aforesaid facts and circumstances of the case as discussed above and particularly considering that in the aforesaid facts and the record is pending in this court for supplying police paper. So, at this stage, I am not inclined to release the petitioner on bail. Accordingly, his prayer for bail is rejected.

**(Dictated)**

Sd/-

Addl. Sessions Judge-Ist, Gaya