

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28213 of 2015

Arising Out of PS.Case No. -110 Year- 2014 Thana -MEERGANJ District- PURNIA

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1. Umashankar Gupta @ Shankar Gupta Son of Sriram Gupta Resident of
Village Sanakaith , Ps. litang, District Akhruil Manipur
..... Petitioner.

Versus

1. The State of Bihar
2. The Union of India through Director Narcotic Drugs and Psychotropic
substance, New Delhi.
..... Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate
For the Opposite Party/s : Mr. Ahmad Ali (A.P.P.)
Opposite party No. 2- Mrs. Nivedita Nirvikar (C.G.C.)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 16-10-2015 Heard the learned counsel for the petitioner as well as
the learned A.P.P.

The petitioner seeks bail in a case for the offences
punishable under Sections 420 and 120 (B) of the Indian Penal
Code and Sections 20, 20-B, II-C, 22, 23 and 29 of the Narcotic
Drugs & Psychotropic Substance Act.

Allegedly acting on tip off the informant alongwith
B.D.O Dhamdaha and other police personnel including STF
personnel reached near Kajra Ghat Bridge. They saw that some
people were unloading Ganja from Truck No. HP-19B-2367 to
load in Bolero vehicle bearing Registration No. BR-11P-5197 and
after seeing the police party, those people tried to flee away but



two persons who were unloading Ganja from the Truck were apprehended including the petitioner and further apprehended one person who was inside the Bolero vehicle. Other persons who were standing near the vehicle succeeded in fleeing away. The apprehended accused persons disclosed the names of their associates and 900 Kg Ganja from the Truck and 45 Kg Ganja from the Bolero vehicle were recovered in presence of the B.D.O who was deputed as Magistrate and two independent witnesses.

Submission is of false implication and that the petitioner is suffering from HIV (AIDS) and co-accused advised then petitioner to get treatment in AIIMS, New Delhi and at his advice, he boarded the said Truck to go to Delhi. Nothing has been recovered from conscious possession of the petitioner. Mandatory provision of Section 42 of the NDPS Act has not been complied with. The jail doctor has certified that the petitioner is suffering from HIV (AIDS). The petitioner is suffering in custody since 10.11.2014 and as such deserves sympathetic consideration, to which learned A.P.P. seriously opposes prayer for bail by pointing out the alleged recovery.

In the facts and circumstances stated-above, considering the alleged recovery in huge quantity, this court is not inclined to grant bail to the petitioner and accordingly, his such

prayer stands rejected in connection with Special Case No. 19 of 2014 (arising out of Mirganj P.S. Case No. 110 of 2014) Pending in the Court of learned 1st Additional Sessions Judge-Cum-Special-Judge, N.D.P.S. Act, Purnea.

(Jitendra Mohan Sharma, J.)

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