

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15526 of 2015

Arising Out of PS.Case No. -82 Year- 2014 Thana -NAWANGAR District- BUXAR

1. Uday Singh S/o Yuduvansh Singh Resident of Village Masadh, Police Station Udwant Nagar, District Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.19247 of 2015

Arising Out of PS.Case No. -82 Year- 2014 Thana -NAWANGAR District- BUXAR

1. Sethi Singh Son of Chandra Singh, Resident of Gausganj, P.S. - Muffasil, District - Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Union of India, through the Director Narcotics Centre Bureua, New Delhi or Regional Director, Narcotic Central Bureau, Lucknow (U.P.)

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.15526 of 2015)

For the Petitioner/s : Mr. Ravi Shanker Pankaj

For the Opposite Party/s : Mr. J. N. Thakur (App)

(In Cr.Misc. No.19247 of 2015)

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. Yogendra Kumar Singh(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

6 17-05-2016 Heard learned counsels for the petitioners and the State.

The petitioners are languishing in custody since 23.4.2014 in a case registered for the offences punishable under Sections 420 and 414 of the Indian Penal Code and sections

20(B)(ii) (C), 22, 27(A) and 29 of the NDPS Act.

The prosecution case, based on the self statement of Dharmendra Kumar, SHO of Nawanagar police station, is to the effect that on 23.4.2014 at 11 A.M. the police personnels came and informed that ganja is being transported on NH 30 through truck when raid was laid and a truck was intercepted from which the driver Upendra Kumar Pathak, cleaner Amit Verma, co accused Vikas Kumar Singh and Raju Singh were apprehended. It was also found that certain big packets were being unloaded from the truck to one Scorpio vehicle. From Scorpio vehicle co accused Nagina Rai, petitioner Uday Singh, co accused Mritunjay Singh and petitioner Sethi Singh were apprehended. From the truck 6 quintals 67 kilograms 380 grams ganja in 32 packets were recovered whereas from the Scorpio vehicle 82 kilograms and 30 grams of ganja in four were recovered.

It is submitted by the learned counsel for the petitioner Uday Singh that the petitioner was simply a passenger in the Scorpio vehicle and was not aware of the contraband being loaded in the vehicle and even assuming the quantity of recovery, it will come to about 20 kilograms against each accused person. Statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.



It is submitted by learned counsel for the petitioner Sethi Singh that in fact these petitioners were not apprehended at the place of seizure rather the petitioners have subsequently been roped in this case maliciously. Statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent. It is further submitted that co accused Viccki alias Vikash Kumar alias Vikash Kumar Singh has been granted bail vide Cr. Misc. No. 39082 of 2014.

Learned counsel for the State submits that the recovery of contraband is much more than commercial quantity, hence the petitioners do not deserve bail. It is further submitted that prayer of co accused Raju Singh has been rejected by a co-ordinate bench of this Court vide Cr. Misc No. 8137 of 2015.

Considering the rival submissions of the parties, the petitioners cannot claim parity with aforesaid co accused Viccki alias Vikash Kumar alias Vikash Kumar Singh as he was not apprehended from the spot nor was named in the FIR but his name sprang up in the confessional statement of co accused.

Taking into consideration the recovery of contraband much more than commercial quantity, this court is not inclined to grant bail to the petitioners in connection with Navanagar P.S. Case No. 82 of 2014/ NDPS Case No. 5 of 2014 pending in the

court of learned Additional Sessions Judge I, Buxar cum Special Judge, Buxar.

This application is, accordingly, dismissed. However, let the trial be expedited.

(Dinesh Kumar Singh, J)

Anil/-

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