

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 35163 of 2016

Arising Out of PS.Case No. -7 Year- 2015 Thana –NCB/PZU/Cr. District-
EASTCHAMPARAN(MOTIHARI)

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Rakesh Mahto Son of Yogendra Mahto resident of Village-Dharm Nagar,
P.S.- Mahuaba, District- East Champaran.

.... Petitioner

Versus

Union of India through Intelligence officer, Patna Zonal Unit, Narcotics
Control Bureau, Ministry of Home Affairs, Government of India.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Manoj Kr. Singh (C.G.C.)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5. 23-11-2016 Heard Sri Umesh Chandra Verma, learned counsel for
the petitioner and Sri Manoj Kumar Singh, learned Central Govt.
Counsel.

The petitioner, who is in custody since 09-12-2015 in
N.D.P.S. Case No. 66 of 2015, arising out of NCB/PZU/Cr. No. -
7 of 2015 registered for offence under Sections 8 and 21 of the
Narcotic Drugs & Psychotropic Substances Act, 1985 (in short
'NDPS Act'), has prayed for grant of bail.

It was submitted by learned counsel for the petitioner
that petitioner is innocent person and he was apprehended only on
the ground that he has taken lift on motorcycle from on Md. Abdul
Kaish, from whose possession 620 gm. of brown sugar (*heroin*)

was recovered. On this plea, he has made a prayer for grant of bail.

However, learned Central Govt. Counsel opposing the prayer for bail submits that both persons i.e. petitioner and co-accused were apprehended from a motorcycle and it was a case of recovery of commercial quantity of brown sugar (*Heroin*).

Keeping in view the fact that recovery is of commercial quantity, it would be difficult for this Court to extend the privilege of bail to the petitioner, keeping in view the restriction imposed under Section 37 of the NDPS Act.

The prayer for bail is rejected

(Rakesh Kumar, J.)

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