

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38817 of 2016

Arising Out of PS.Case No. -21 Year- 2015 Thana -GOVERNMENT OFFICIAL COMP. District-
PATNA

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Newton Mondal, son of Jibrail Mondal, resident of Baranaldaha, P.O.
Chhotanaldaha, P.S. Tehatta, District-Nadia, West Bengal

.... Petitioner

Versus

The Union of India through Directorate of Revenue Intelligence, Patna

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dr. Brahma Deo Prasad

For the Opposite Party/s : Mr. Ramesh Kumar Sinha, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

6 29-11-2016 Heard Sri (Dr.) Brahmadeo Prasad, learned counsel
for the petitioner and Sri Rakesh Kumar Sinha, learned Central
Government Counsel.

The sole petitioner, who is in custody in Special
Case No.22 of 2015 arising out of D.R.I. Patna Unit Case No.
DRI/LZU/ PRU/718(ii) ENQ-21/2015 registered for the offence
under Sections 21 and 29 of the N.D.P.S. Act,1985, for violation
of Section 8 (C) of N.D.P.S. Act, has prayed for grant of bail.

In this case, the petitioner along with co-accused ,
who was none else but close relation of the petitioner, were
intercepted by a team of DRI, which had got earlier secret
information regarding movement of a Scorpio vehicle. In the said
vehicle, a special cavity was created and on search, from the said



cavity, packets containing brown and white powder like Heroin were recovered total weighing 648.5 gms. After recovery, statement of the petitioner as well as co-accused, namely, Ejajul Seikh, was got recorded under Section 67 of the N.D.P.S. Act. Out of recovered packets of powder like Heroin, three samples were prepared and sent for its test to the Forensic Science Laboratory. Out of them, samples of two pockets gave positive sign.

At the very outset, learned Central Government Counsel submits that in this case, before the court below, trial has already commenced and till date two witnesses were examined and discharged, whereas learned counsel for the petitioner submits that only one witness after examination and cross-examination was discharged and half cross-examination in respect of P.W. is going on. Learned counsel for the petitioner has also argued that in this case, Section 50 of the N.D.P.S. Act has not been complied with. He has argued that in one case, a Bench of this Court on the ground of non-compliance of Section 50 of the N.D.P.S. Act has allowed the prayer for bail. This Court has already noticed that trial has commenced and the point, which has been raised, may not be entertained at this stage by this Court.

Keeping in view the nature of accusation as well as the fact that trial has already commenced, there is no reason to



extend the privilege of bail.

(Rakesh Kumar, J)

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