

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No. 42072 of 2013**

=====

Pankaj Kumar Newatiya @ Pankaj Kumar Neotia Son of Sri Pradip Kumar Newatiya, Resident of Flat No. 15, Siddharth Vihar Apartment, Birdopur, Mahmoorganj, Police Staton- Bhelupur, Distt- Varanasi (Uttar Pradesh)

.... .... Petitioner

Versus

1. The State of Bihar
2. The Zonal Director, Narcotics Control Bureau, Bihar Patna.

.... .... Opposite Parties

=====

**Appearance :**

For the Petitioner/s : Mr. Akhileshwar Pd. Singh, Sr.Adv.  
Mr. Bimal Kumar, Adv.

For the Opposite Party/s : Mr. Anshay Bahadur Mathur (CGC)

=====

**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

2. 21-06-2016 Heard Sri Akhileshwar Prasad Singh, learned senior counsel who was assisted by Sri Bimal Kumar, learned counsel for the petitioner and Sri Anshay Bahadur Mathur, learned Central Govt. Counsel, who has appeared on behalf of opposite party no. 2/Narcotics Control Bureau.

The petitioner, invoking inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, has prayed for quashing of an order dated 29-08-2013 passed by learned 2<sup>nd</sup> Addl. Sessions Judge, Bhojpur, Ara in N.D.P.S. Case No. 4 of 2011 (arising out of Shahpur P.S. Case No. 41 of 2011) registered for offence under Sections 22 & 25 of the Narcotic Drugs & Psychotropic Substances Act, 1985 and Sections 25(1-B)a/26/35 of the Arms Act, 1959. By the said order, the learned

Addl. Sessions Judge has rejected the petition filed under Section 227 of the Cr.P.C. for discharge of the petitioner.

It was submitted by learned senior counsel for the petitioner that the petitioner has got no direct control with the vehicle in question, from which, huge quantity of heroin was recovered. He submits that vehicle in question was registered in the name of brother of the petitioner, who was at that time inside the jail. It has been argued that only material, which has been collected during investigation, is that the petitioner instructed the driver of the vehicle to carry the friend of his brother from Varanasi to Ara. A plea has been taken that the petitioner was not aware regarding carrying of any such articles and on this ground, a prayer has been made to quash the order of rejection of the discharge petition.

Learned Central Govt. Counsel has opposed the prayer of the petitioner.

Besides this, I have also perused the material on record. I do not find any defect in the impugned order.

The petition stands dismissed.

**(Rakesh Kumar, J.)**

Anay

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|