

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36900 of 2017

Arising Out of PS.Case No. -8 Year- 2016 Thana -GOVERNMENT OFFICIAL COMP. District-
EASTCHAMPARAN(MOTIHARI)

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1. Santosh Prasad, S/o Shankar Prasad, Resident of Village- Bhelwa,
P.O.+P.S.- Chhauradano, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Union of India through Narcotics Control Bureau Patna Zonal Unit,
Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rana Pratap Singh
For the Union of India : Mr. Anjani Kr. Sharan, ASG
Mr. Manoj Kr. Singh, CGC
For the State : Mr. Pancha Nand Pandit

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

7 29-11-2017 Heard learned counsel for the petitioner, learned APP
for the State and the counsel appearing for the Union of India.

Petitioner is languishing in judicial custody since
18.10.2016 in connection with N.D.P.S. Case No. 66 of 2016,
arising out of NCB Case No. PZU/V/08/2016 for offences
punishable under Sections 8, 20, 23, 29 of the N.D.P.S. Act, 1985.

The complaint case, as lodged by the Intelligence
Officer, Narcotics Control Bureau, Patna Zonal Unit, is that two
persons were found in a motorcycle near the Indo-Nepal Border
and on search 3.750 kgs. of charas was recovered from their
possession. Accordingly, samples were taken for forensic
examination and the petitioner along with one Sunil Kumar Yadav



was apprehended.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and was just a pillion rider, as stated in the confessional statement of the petitioner and co-accused Sunil Kumar Yadav. He submits that the consignment, as stated by the co-accused, was to be delivered to one Rupesh Kumar and had been given by one person, whom they called Mukhiya in Nepal, which was revealed in the confessional statement of co-accused Sunil Kumar Yadav. He further submits that he has no concern with the contraband items, on the greed of little earning he had been accompanying co-accused Sunil Kumar Yadav and is not involved in dealing with contraband items. It is further submitted that the case has already been committed and the petitioner undertakes to appear before the court on each and every date.

However, learned counsel appearing for the Union of India submits that more than the commercial quantity of contraband items, which was found to be charas in forensic examination, was recovered from the possession of the petitioner and the co-accused Sunil Kumar Yadav.

Learned APP for the State also opposes the prayer for bail.



Considering the facts and circumstances and the materials on record, as well as from perusal of the case records of the learned court below, I am not inclined to grant privilege of bail to the petitioner at this in connection with N.D.P.S. Case No. 66 of 2016, arising out of NCB Case No. PZU/V/08/2016, pending in the court of learned Sessions Judge/ Special Judge, East Champaran, Motihari.

Application is, accordingly, rejected. However, trial court is directed to conclude the trial within six months. Petitioner is at liberty to renew his prayer for bail after six months if trial is not concluded by that time.

(Nilu Agrawal, J)

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