

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19024 of 2017

Arising Out of PS.Case No. -5 Year- 2016 Thana -GOVERNMENT OFFICIAL COMP. District-
PATNA

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1. Munna Rai Son of Late Surendar Rai, Resident of Village-Jagdishpur,
P.O.-Mohanpur, P.S.-Raghavpur, District-vaishali.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Union of India, through Intelligence Officer, Patna Zonal Unit,
Narcotic Control Bureau, Ministry of Home Affairs, Government of India.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Y.V. Giri, Sr. Adv
& Mr. Ashish Giri, Adv
For the State : Mr. Sri Jai Narain Thakur, APP
For the NCB : Mr. Anshuman Singh, C.G.C (U.O.I)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 11-05-2017 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for N.C.B.

Petitioner seeks bail in Special Case No. 55 of 2016
arising out of NCB/PZU/V/05/2016 for the offence punishable under
Section 8/20 (C) of the Narcotic Drugs and Psychotropic Substances
Act, 1985.

It is alleged in the written report that total 80.300 Kgs
of ganja has been recovered from Indigo Car on which this petitioner
alongwith three other persons were found sitting. The police had
apprehended the victim and seized articles which on chemical
examination was found to be ganja. The police recorded the
confessional statement of this petitioner and other co-accused persons.



The confessional statement of the accused is available at page 31-32, wherein, he has admitted that out of 80 Kg, 30 Kg of ganza belonged to him and he also confessed before the authority in his confessional statement of dealing with the persons in illegal trade of the ganza. Learned counsel for the NCB submits that there is also detail of telephone calls which shows that this petitioner has regularly talked with the persons involved in the aforesaid dealing of the ganza.

Learned counsel for the petitioner submits that infirmity has been committed by the department at the time of seizure and recording of the confessional statement. There is also violation of the provisions of Section 42 and 50 of the NDPS Act.

Learned counsel for the NCB submits that these are the things which are to be looked in the trial.

In such circumstance, this Court is not inclined to grant bail to the petitioner at this stage.

The prayer for bail of the petitioner is hereby rejected.

The learned court below is directed to expedite the trial of the petitioner.

(Sanjay Priya, J)

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