

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43073 of 2018

Arising Out of PS.Case No. -24 Year- 2018 Thana -GOVERNMENT OFFICIAL COMP. District-
GAYA

=====

1. Pankaj Kumar S/o Dhananjay Yadav, R/o Vill.- Bhahua Chatti, P.O.-
Balua, P.S.- Barachatti, District- Gaya (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Union of India through Narcotics Control Burov, Patna.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pranav Kumar

For the Opposite Party/s : Mr. Asharaf Ansari

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

6 28-08-2018 Heard learned Senior Counsel for the petitioner and

learned counsel for the Union of India.

The petitioner has been in custody since 04.05.2018
in connection NCB Case No. 24/2018 with registered for the
offences punishable under Sections 15/25/29 of the NDPS Act.

Learned Senior Counsel for the petitioner has
submitted that so far as the present petitioner Pankaj Kumar is
concerned, there has been no recovery from his conscious
possession but actually he is being kept behind bars as he happens
to be the nephew of the main accused and is languishing in jail
since 04.05.2018. Learned Senior Counsel for the petitioner
submits that in view of the fact that charge-sheet has already been



submitted in connection with the present case, the petitioner being a student may be extended the privilege of bail.

Diary in the present case was called for which has since been received.

Learned counsel appearing on behalf of the Union of India has also filed a counter affidavit in which it has been categorically stated that the petitioner has confessed his guilt which is permissible evidence as per the N.D.P.S. Act. It is further submitted that petitioner and the uncle of the petitioner was found to be participating in mass scale transactions of Doda powder and therefore, may not be extended the privilege of bail as the recovery of such narcotics in huge quantity have been detected from the hotel and the petitioner has confessed his guilt.

Learned Senior Counsel for the petitioner however, controverts the said statement and submits that there has been no recovery and he is being needlessly harassed.

Having heard learned Senior Counsel for the petitioner and learned counsel appearing on behalf of the Union of India and in view of the recovery of huge quantity from the hotel which was being occupied by the uncle of the petitioner in front of which the petitioner had a small *gumti* and that it had come in course of the investigation that the narcotics were being sold by



the petitioner, I am not inclined to grant regular bail to this petitioner.

It is, accordingly, rejected.

However, it is directed the trial of the present case may proceed expeditiously so as to conclude the same within a period of six months from the date of receipt/production of a copy of this order.

(Anjana Mishra, J)

Saif/-

U		T	
---	--	---	--

