

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44827 of 2018

Arising Out of PS.Case No. -22 Year- 2018 Thana -BALIA District- BEGUSARAI

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1. Niraj Kumar @ Neeraj Kumar S/o Kailash Rai, R/o Vill.- Jagdishpur
Tarbanna, P.S.- Muffasil (Lakho O.P.), District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Narayan
Mr. Shyameshwar Dayal

For the Opposite Party/s : Mr. Ramchandra Sahani

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 20-08-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner has been in custody since 01.02.2018
in connection with N.D.P.S. Case No. 04/2018 arising out of
Ballia P.S. Case No. 22/2018 registered for the offences
punishable under Sections 8/20(b)(ii)(c)/25/29 of the N.D.P.S.
Act.

Mr. Amit Narayan, learned counsel for the petitioner
submits that there is no material on record to indicate that the
alleged consignment of 1602 Kgs. of Ganja was recovered from a
truck bearing Registration No. NL03A 7249 of which it is alleged
that the petitioner along with one Rattu Das and Raju Kumar, was
the driver. He submits that the seizure-list does not bear the



signature of the present petitioner and, therefore, no presumption can be drawn against him as is being alleged. Learned counsel for the petitioner further submits that the petitioner is innocent and only because his driving licence has been recovered from his possession, it cannot be said that he was driving the vehicle in question. It is further submitted that the members of the S.T.F. who have reportedly given the information with regard to the truck have also not placed their signatures on the seizure-list.

Under such circumstances, the petitioner may be extended the privilege of bail.

In the First Information Report, it is stated that while the truck was apprehended, three persons, namely, Rattu Das, Raju Kumar and Niraj Kumar (petitioner) escaped from the truck and after a hot chase, they were apprehended. The petitioner Niraj Kumar @ Neeraj Kumar S/o Kailash Rai, R/o Vill.- Jagdishpur Tarbanna, P.S.- Muffasil (Lakho O.P.), District- Begusarai was also arrested and a seizure-list was prepared in front of the independent witnesses and from the pocket of the present petitioner, his Election I-card and Adhar card were recovered. His Driving Licence, State Bank Green Card as well as State Bank A.T.M. Card was also recovered from his pocket and also a silver coloured mobile phone. The truck also contained other



incriminating documents which showed that the same belong to one Sunny Shankar Singh and the papers of the vehicle with registration at Nagaland were also found. From the said truck, a huge sachet to the tune of 1602 Kgs. of Ganja was recovered. Samples of the said Ganja from which packets were taken and sent for forensic examination.

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

Learned counsel appearing on behalf of the State has submitted that the petitioner is a part of big gang which is involved in smuggling of Ganja and this petitioner is one of the persons who was found to have been escaping from the truck on which the said Ganja was loaded.

Under such circumstances, the petitioner may not be released on bail.

Having considered all facts and circumstances and taking into consideration the enormity of the seizure made, I am not inclined to grant regular bail to this petitioner.

It is accordingly rejected.

(Anjana Mishra, J)

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