

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34536 of 2018

Arising Out of PS. Case No.-20 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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Ashok Kumar Rai, S/o Late Shivnath Rai, Resident of Village- Chandpura,
P.O.- Chandpura, P.S.- Raghapur, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Union of India (through Narcotics Control Bureau Patna).

... .. Opposite Party/s

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with

Criminal Miscellaneous No. 57304 of 2018

Arising Out of PS. Case No.-20 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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Ganesh Mahto Son of Late Jamuna Mahto Resident of Village Naurangpur,
P.S. Mahnar, District Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Union of India through NCB, Patna Unit, Patna.

... .. Opposite Party/s

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Appearance :

(In Criminal Miscellaneous No. 34536 of 2018)

For the Petitioner/s : Mr. Dharendra Kumar Sinha

For the Opposite Party/s : Mr. Manoj Kumar Singh, Advocate

(In Criminal Miscellaneous No. 57304 of 2018)

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. Sri Rajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

8 13-12-2018 Heard learned counsel for the petitioners and learned
counsel for the Union of India.

Petitioners, who are in custody, seek bail in
connection with N.D.P.S. Case No. 6 of 2015 arising out of
NCB/PZU/Cr. 20/2018 registered for the offence punishable



under Sections 8/20(b)(ii)(C) /25/29 of the Narcotic Drugs and Psychotropic Substance Act.

Informant is Intelligence Officer of Narcotic Control Bureau, Zonal Unit, Patna, who in his prosecution report has stated that on confidential information received on 11.04.2018 that a big consignment of Ganja has been dispatched from Agartala to Raghapur and after said information was communicated to Higher Official in writing, a team was constituted which reached the Zero Mile at 11.00 PM and was keeping vigil when at 4.00 AM a 407 vehicle followed by one Mahindra Xilo was seen coming and was singled to stop and driver of 407 vehicle disclosed his name as Kajaj Sarkar and persons in Xilo disclosed their name as Ashok Kumar, Ganesh Mahto, (petitioner), Ashok Kumar Rai (petitioner) and Ram Sewak Rai and a notice under section 50 of N.D.P.S. Act was served upon them and on search of their person and Xilo vehicle nothing was recovered but from the concealed cabin of 407 vehicle 517 Kg of Ganja was recovered which was seized in their presence and samples were prepared and a copy of same was handed over to the accused. Voluntary statement of accused petitioners were recorded under Section 67 of the N.D.P.S. Act in which all accused including the petitioners have confessed



their guilt.

It has been submitted on behalf of the petitioners that they are innocent and have been falsely implicated in this case. Nothing has been recovered from their conscious possession or from the vehicle on which they were travelling. They have no concern either with the 407 vehicle or the contraband articles seized from said vehicle. It has been further submitted that petitioners have no criminal antecedent and they are in custody since 13.04.2018.

Petitioners have confessed their guilt in their voluntary statement made under Section 67 of N.D.P.S. Act and a huge quantity of 517 Kg of Ganja has been seized of which informant had prior and specific information, as such I am not inclined to grant bail to the petitioner, accordingly, the prayer for bail is rejected. However, trial court is directed to expedite and conclude the trial within one year from receipt/production of a copy of order passed by this Court.

(S. Kumar, J)

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