

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27719 of 2018

Arising Out of PS. Case No.-14 Year-2017 Thana- D.R.I District- Patna

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Md. Nafees, Son of Late Haji Moharram, Resident of House No. - 642,
Paniganva, Police Station - Indira Nagar, Lucknow, District - Lucknow (U.P.)

... .. Petitioner/s

Versus

The Union of India through Directorate of Intelligence Bureau.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Sri Shriprakash Srivastava, Advocate

Shri Anjum Perveen, Advocate

Shri Syed Arshad Alam, Advocate

For the Opposite Party/s : Sri S.D.Sanjay , Addl. Solicitor General

Sri Ravindra Kumar Sharma, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 16-05-2018 Heard Sri Shriprakash Srivastava, learned counsel for

the petitioner and Sri S.D. Sanjay, learned Additional Solicitor

General, Government of India, assisted by Sri Ravindra Kumar

Sharma, learned Central Government Counsel.

The sole petitioner, who is in custody since
30.08.2017 in Complaint Case No. 14 of 2017 registered under
Sections 21, 23, 25 & 29 of the Narcotic Drugs And
Psychotropic Substances Act, 1985 (hereinafter referred to as
the “N.D.P.S. Act”) corresponding to Special Case No. 128 of
2017, has prayed for grant of bail.



Learned counsel for the petitioner submits that petitioner without any cogent evidence has been made accused. He submits that in this case a truck was intercepted by a team of Directorate of Revenue Intelligence and from the said truck about 6 Kilograms of Heroin was shown to be recovered and at the time of interception the owner of the truck, driver and '*khalasi*' all were apprehended, however, petitioner's name has come as disclosed by the owner of the truck as if the consignment was to be delivered to this petitioner. He tried to persuade the Court that there is no other cogent evidence implicating the petitioner, even then, petitioner has been made accused and he is in custody.

Sri S.D. Sanjay, learned Additional Solicitor General by way of referring to the complaint petition submits that it is not only a case of confessional statement of the co-accused, rather, during enquiry, other cogent materials were collected which establishes that in the case petitioner was the main accused to whom consignment of *heroin* was to be delivered. He submits that as per market value the cost of *heroin* comes to more than Rs. 18 Crores.

Considering the nature of accusation as well as the restriction imposed under Section 37 of the N.D.P.S. Act, there



is no reason to pass favourable order.

The prayer for bail stands dismissed.

(Rakesh Kumar, J)

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