

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12908 of 2019

Arising Out of PS. Case No.-14 Year-2018 Thana- D.R.I District- Patna

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OM PRAKASH @ OM PRAKASH SINGH, aged about 43 years, Gender- Male, Son of Yogendra Singh, Resident of Chanda, P.O. - Chanda, P.S.- Athmalgola, District Patna.

... .. Petitioner

Versus

1. The State of Bihar.
2. Ashok Kumar, Intelligence Officer, Directorate of Revenue, Intelligence Regional Unit, Patna “Vardan” Arya Samaj Mandir Road, R.P.S. More, Bailey Road, P.S. Danapur, District-Patna- 801503.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Ramakant Sharma, Sr. Advocate and Mr. Rana Baljit Singh, Advocate.
For the State	:	Mr.Md. Ataur Rahman, A.P.P.
For the O.P. No. 2	:	Mr. Anshuman Singh, CGC, U.O.I.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 23-07-2019 Heard learned senior counsel for the petitioner, learned counsel for U.O.I. and learned A.P.P. for the State.

The petitioner is languishing in custody since 24.07.2018 in a case for the offence registered under Sections 20, 23, 25 and 29 of the N.D.P.S. Act.

The prosecution story, in brief, is that acting upon a confidential information, the officers of Directorate of Revenue Intelligence (DRI), Patna, have intercepted a Tata Truck bearing Registration No. WB-23C/2499 on 23.07.2018 at 10.30 hours at Patna end of Rajendra Setu, Mokama, occupied by two persons, namely, Om Prakash Singh, Driver (petitioner) and Raj Kumar,



Khalasi of the said Truck. On search of the body of the said Truck, nothing was found but when specially built cavity, made in the hood of drivers cabin of the said Truck was searched, huge consignment believed to be Ganja packets were found kept inside the cavity. On interrogation, the apprehended driver and Khalasi of the said vehicle, confessed about concealment of Ganja in the cavity of the Truck at Badgarh (Orissa). Thereafter, the said vehicle alongwith the apprehended persons were brought to the DRI Office, Patna, for detailed examination where detailed examination of the said Truck was done before both the apprehended persons and two independent witnesses which resulted in recovery of 468.60 Kgs. Ganja kept in 193 packets. Both the apprehended persons in their statements tendered under Section 67 of N.D.P.S. Act, have admitted their guilt of conscious knowledge of possession, carriage and transportation of the seized Ganja in lure of money. Accordingly, both the apprehended persons were taken into custody and a Panchnama was also prepared.

It has been submitted by learned senior counsel for the petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the



petitioner. The petitioner has falsely been implicated in the present case. The petitioner is alleged to be the driver of the vehicle in question. No contraband is alleged to have been recovered from conscious possession of the petitioner. There is no compliance of Sections 42 and 50 of the N.D.P. S. Act.

On behalf of the learned counsels for the State and Union of India, it has been submitted that the petitioner is named in the F.I.R., and recovery is made from constructive possession of the petitioner. 468.60 Kgs., of Ganja is alleged to have been recovered from a Tata Truck bearing Registration No. WB-23C/2499 which was being driven by this petitioner at the time of interception of the said vehicle by the police. The petitioner is not entitled for grant of bail as per Section 37 of the N.D.P.S. Act.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Special (NDPS) Case No. 78 of 2018, arising out of F.No. DRI/LZU/PRU/718 (II)/ENQ-14/2018 dated 24.07.2018, pending in the court of learned Sessions Judge, Special Judge, District-Patna.

The learned court below is directed to take all necessary steps to expedite the trial and conclude the same



preferably within a period of nine months from the date of receipt/production of copy of this order.

(Sudhir Singh, J)

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