

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17752 of 2019

Arising Out of PS. Case No.-1 Year-2017 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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Manoj Rai @ Manoj Yadav, aged about 32 years, Male, Son of Jimdar Rai,
Resident of Miramar, P.S. Raghapur, District Vaishali.

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Pankaj Kumar Sinha, Advocate Mr. Diwakar Sinha, Advocate
For the U.O.I./N.C.B.	:	Mr. Kumar Priya Ranjan, C.G.C. Mr. Niraj Kumar
For the State	:	Mr. Girish Nandan Abhishek Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 28-03-2019 Heard Mr. Pankaj Kumar Sinha, learned counsel for

the petitioner and Mr. Kumar Priya Ranjan, learned counsel

appearing on behalf of the Narcotics Control Bureau.

The petitioner apprehends his arrest in Special Case
No.10 of 2017, arising out of F.NO.-NCB/PZU/V/01/2017,
dated 17.01.2017 registered under Sections 8/20 (C) of N.D.P.S.
Act.

The informant, Intelligence Officer of Narcotics
Control Bureau, Patna got information and intercepted a truck
bearing Registration No. JH 10S 8845 near Paswan Chowk,
Hajipur and apprehended two persons, namely, Nagendra Singh



and Lal Bahadur Chaudhary. On search 3284.220 Kgs. of dried brown coloured Ganja was recovered. The complainant interrogated the apprehended accused and recorded their statements under Section 67 of the N.D.P.S. Act.

Mr. Pankaj Kumar Sinha, learned counsel for the petitioner submits that the so called statement of Nagendra Singh, one of the apprehended accused, Nagendra Singh disclosed that Dilip Sao and Manoj Yadav are smugglers and they are partners. On their persuasion, he contacted with Lal Bahadur to bring Ganja on his truck. Dilip Sao also went there and managed the loading of Ganja in the truck. It is submitted that of course the apprehended accused disclosed the name of the petitioner Manoj Yadav as partner of Dilip Sao but Manoj Yadav was no where in the loading or carrying the Ganja. There is no material on record to show the involvement of the petitioner in transportation of Ganja from one place to another. It is further submitted that the accused further disclosed that Manoj Yadav was to come at Hajipur to take both the accused to the house of Dilip Sao but Manoj Yadav never came to Hajipur, therefore, there is no corroborating material to show the involvement of the petitioner in transportation of Ganja from one place to another.



On the other hand, the learned counsel appearing on behalf of the Narcotics Control Bureau submits that Dilip Sao loaded the Ganja on the truck in Orissa and two persons were carriers who brought Ganja to Hajipur on a truck. Manoj Yadav, the petitioner, was to come at Hajipur to take the accused to the house of Dilip Sao but before his arrival at the designated place, the truck was intercepted and both the carriers were apprehended. The carrier, namely, Nagendra Singh disclosed the entire facts that how Ganja was loaded in pursuance of a plan given by Dilip Sao and Manoj Yadav from one place to another and Manoj Yadav was to take Ganja from Hajipur to the house of Dilip Sao but before that the carriers were apprehended and Ganja was seized along with the truck, therefore, the petitioner does not deserve anticipatory bail.

From perusal of materials available on record, it appears that both the carriers, who were carrying huge quantity of Ganja weighing 3284 Kgs. on a truck, were apprehended and Nagendra Singh, the person who has taken the work of transportation of Ganja from one place to another for the use of Dilip Sao and Manoj Yadav according to their plan, were apprehended and Nagendra Singh disclosed the entire facts. It has come that petitioner was also one of the partners of Dilip



Sao who was to take the consignment to the house of Dilip Sao from Hajipur but before arrival of Manoj Yadav, the petitioner, at Hajipur, the truck was intercepted and the entire consignment was seized.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Prabhat Kumar Jha, J)

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