

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46583 of 2019

Arising Out of Case No.-44 Year-2018 Thana- GOVERNMENT OFFICIAL COMP. District- Patna

Kunal Rai S/o Brijnandan Rai R/o village- Rampur Shyam Chand, P.S.-
Raghopur, District- Vaishali

... .. Petitioner/s

Versus

The Union Of India through The Director, Narcotics Control Bureau, Patna
Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nilendu Kumar Choudhary with Mr. Manish Kumar No. II, Advocates
For the Opposite Party/s	:	Mr. Manoj Kumar Singh, CGC

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 18-12-2019

Heard learned counsel for the petitioner and learned
counsel for the Narcotics Control Bureau.

2. The petitioner seeks bail in Special Case No. 118 of 2018 arising out of Complaint Case bearing No. NCB Case No. 44 of 2018 dated 13.10.2018 instituted under Sections 8, 20 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. The petitioner, along with two others, is accused of transporting *ganja*.

4. Learned counsel for the petitioner submitted that from the confessional statement of the driver of the truck itself it is clear that he had boarded the truck at the instance of the person who had kept *ganja* in the truck and, thus, was only a passenger till Bihar. Learned counsel submitted that the



petitioner having no criminal antecedent is in custody since 12.10.2018. It was submitted that except for the confessional statement of the petitioner before the authority, there is no other incriminating evidence against him.

5. Learned counsel for the Narcotics Control Bureau submitted that the petitioner, besides being fully aware of the consignment of *ganja* being brought to Bihar from Tripura was in fact made incharge of such transportation. It was submitted that the confession before the authority, which under law is admissible, clearly speaks of the role of the petitioner from which it is clear that the petitioner not only knew about such transportation but was the person who was to accompany the consignment and bring it to Bihar. Learned counsel submitted that the recovery is of 732 Kgs. of *ganja*.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

Anjani/-

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