

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54118 of 2019

Arising Out of PS. Case No.-5 Year-2016 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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MUNNA RAI Son of Late Surendar Ray Resident of Village- Jagdishpur,
P.S.- Raghapur, District- Vaishali.

... .. Petitioner/s

Versus

The Union of India through Intelligence Officer, Patna Zonal Unit, Narcotic
Control Bureau, Ministry of Home Affairs, Govt. of India.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.S.D. Sanjay

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

3 04-12-2019 Instant petition under Sections 439 and 440 of

Criminal Procedure Code has been moved for grant of bail in

Special Case No. 55 of 2016 arising out of Complaint Bearing

No. NCB/PZU/V/05/2016 under Sections 8, 20(b)(ii)(c) and 29

of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Petitioner is in custody since 06.08.2016 in relation to
an offence allegedly committed in the year 2016.

Under the instructions, Mr. S.D.Sanjay, learned Addl.
Solicitor General, states that examination of prosecution
witnesses is complete so also the statement of the accused
persons recorded under Section 313 Cr.P.C. He also invites
attention of this Court of the petitioner having approached the
Hon'ble Apex Court assailing the earlier order of rejection dated
06.02.2019 passed by this Court in Cr. Misc. No. 71369 of



2018, factum of passing of such an order, subsequently placed on record by way of supplementary affidavit only when the allegation of concealment was taken.

Having given thoughtful consideration to the entire attending facts and circumstances, including that two of the co-accused already stand enlarged on bail, at this stage, I am not inclined to grant privilege of bail, particularly when more than 80 Kg of contraband substance is alleged to have been recovered from a car in which the petitioner was found sitting.

This Court may not be understood to have expressed any opinion with regard to the bail already granted to the other two co-accused persons.

Prima facie, considering the nature and seriousness of the crime, the punishment prescribed being severe and finding the accused not to have rebutted the prosecution case and the statutory presumption in accordance with law, no ground for grant of bail is made out.

As such this application is dismissed.

(Sanjay Karol, CJ)

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