

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76018 of 2019**

Arising Out of PS. Case No.-20 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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ASHOK KUMAR RAI Son of Late Shiv Nath Rai Resident of Village-
Chandpura, P.S.- Raghopur, District- Vaishali.

... .. Petitioner/s

Versus

THE UNION OF INDIA THROUGH THE I. O. N. C. B. PATNA ZONAL
UNIT, PATNA. Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra

For the Opposite Party/s : Mr.S.D. Sanjay(Add.Sol. Gen)

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 26-11-2019 Petitioner has filed this petition U/s 482 of Cr.P.C.

for setting aside the order dated 21.08.2019 passed in N.D.P.S.

Case No. 06 of 2018 passed by learned Additional District and

Session Judge-1st-cum-Special Judge, N.D.P.S. Act, Begusarai

by which a discharge petition filed by petitioner under Section

227 has been rejected.

Prosecution case, in brief, based on the complaint case
filed by N.C.B. is that on secret information a Tata 407 was
intercepted alongwith Xylo vehicle and from Tata 407, 517 Kg
of Ganja was recovered and driver of the said truck was arrested
and occupants of xylo car who were following the truck were
also arrested. The informant had secret information that a large
consignment of Ganja is coming from Tripura to Bihar in Tata



407 followed by Xylo vehicle with specific number of vehicle and upon receiving said information a raiding team was constituted and as the vehicle reached Begusarai same was stopped and the large consignment of Ganja was recovered and seized by the authorities. The authorities have fully complied the provisions of Section 50 and 60 of the NDPS Act while making search and seizure of the contraband articles. Accused/petitioner has also confessed his involvement in said transportation of contraband articles in his statement recorded by the competent authority under Section 67 of the N.D.P.S. Act which is admissible as evidence. The driver of the truck has also confessed the active involvement of petitioner in transportation of Ganja from Tripura to Bihar for which he was paid Rs. 50,000/-. The seized articles were sent to the forensic lab and it was found that articles seized are Ganja. Search and seizure was made in accordance with the provisions of N.D.P.S. Act.

The trial court after considering the evidences and materials available on record found that there is sufficient material to proceed against the petitioner and rejected his discharge petition.

After hearing the counsel for the petitioner and Narcotic Control Bureau, this Court does not find any infirmity



or error in the order rejecting the discharge petition of petitioner
by order dated 21.08.2019.

Accordingly the present petition is dismissed.

(S. Kumar, J)

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