

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8332 of 2020

Arising Out of PS. Case No.-11 Year-2019 Thana- D.R.I District- Muzaffarpur

Rocky Kumar @ Rocky Pandey @ Rocky, aged about 23 years, male, Son of Jitendra Pandey Resident of Village - Nishanpura, P.S.- Telhara, Dist.- Nalanda.

... .. Petitioner/s

Versus

1. The Union Of India through Directorate Of Revenue Intelligence, Muzaffarpur Bihar
2. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Satyendra Rai, Advocate
For the UOI	:	Mr. S.D. Sanjay, Addl. S.G.
For the State	:	Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 16-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Satyendra Rai, learned counsel for the petitioner; Mr. S. D. Sanjay, learned Additional Solicitor General (hereinafter referred to as the 'ASG') for the Union of India and Mr. Nand Kishore Prasad, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with D.R.I. (N.D.P.S.) Case No. 11 of 2019 dated 26.11.2019 instituted under Sections 20/22 of The Narcotic Drugs and Psychotropic Substances Act, 1985.

4. The petitioner is accused of travelling with 729.390



Kgs. of *ganja* which was found hidden in the truck of which he was the *khalasi*.

5. Learned counsel for the petitioner submitted that he was unaware of the contents of the packets and had taken the job at the request of a co-villager. It was further submitted that the petitioner has no other criminal antecedent and is in custody since 27.11.2019.

6. Learned ASG and learned APP submitted that the petitioner was fully aware of the huge quantity of narcotics being loaded on the truck of which he was *khalasi*. It was submitted that in the statement to the officials which is admissible as evidence in law, he has clearly stated that in his presence the *ganja* was loaded on the truck. It was further submitted that most importantly, it was on the information provided by the petitioner with regard to how the *ganja* was put inside the truck, the same was discovered. It was submitted that 20 Kgs. of *ganja* is commercial quantity and in the present case huge amount of 729.390 Kgs. gross and 707.200 Kgs. net of *ganga* being recovered is clearly a big crime which is also a crime against the society at large as it is an intoxicant which is harmful in consumption and leads to various connected crimes.

7. 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.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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