

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12995 of 2020

Arising Out of PS. Case No.-13 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- West Champaran

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MUNNA YADAV, S/o Bhikham Yadav @ Bhikhan Yadav, R/o Village-Naya
Tola Bhatwa, P.S.-Yadavpur, District-Gopalganj.

... .. Petitioner/s

Versus

UNION OF INDIA THROUGH N. C. B. Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajiv Kumar, Adv.

For the Opposite Party/s : Mr.S.D.Sanjay(Ad.S.G.)

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 19-06-2020 This case has been heard through Video Conferencing.

Heard learned counsel for the petitioner and learned
Additional Solicitor General assisted by Ms. Nevedita Nirvikar,
C.G.C.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 8, 2, 20, 25, 29 of the
N.D.P.S. Act.

The allegation against the petitioner and 12 others is that
from the two vehicles on which they were travelling, which
were seized by the authorities, a total of 240 Kgs, *ganja* in 45
packets was recovered.

Learned counsel for the petitioner submits that as per the
allegations, from two vehicles the said *ganja* was recovered, but
it has not been specified as to whether it was from the conscious



possession of the petitioner and further as to what amount has been recovered from which vehicle. Learned counsel submits that the petitioner is in custody since 26.05.2019 having no criminal antecedent. It is further submitted that the similarly situated co-accused Iqwal Mukhiya has been granted bail on 26.02.2020 in Cr. Misc. No. 10445 of 2020 whereas Dineshwar Yadav has been granted bail on 05.06.2020 in Cr. Misc. No. 17208 of 2020. Learned counsel submits that charge has been framed and thus, the Court had granted them bail in view of there being no scope of tampering with the evidence.

Learned ASG submits that the commercial quantity of *ganja* is 20 Kgs and in the present case 240 Kgs. was recovered. It further submits that there is no relevance of the authorities having to divulge as to what quantity was recovered from which person for the reason that the vehicle are private and not commercial and, thus, the presumption is that all the caught travelling on such private vehicles were individually and equally liable for the recovery. Learned counsel submits that framing of charge is not sufficient for release of the petitioner as there is adequate evidence against him and further, it does not preclude the petitioner from coming out from prison and again committing further such crime and also tampering with the



evidence. It further submits that, if convicted, the petitioner faces 10 years imprisonment which may extend to 20 years, in terms of Section 37 of the Act. It further submits that the persons after getting bail do not cooperate in the trial which keeps on lingering for years together and in the meantime they keep indulging in such activities. Learned counsel further submits that in the case of Iqwal Mukhiya, the Department has taken legal opinion and is likely to move the Hon'ble Supreme Court for cancellation of his bail.

Learned ASG submits that another co-accused in the present case namely Sharma Yadav has not been granted bail and bail petition is dismissed by the Hon'ble Court vide order dated 08.06.2020 in Cr. Misc. No.14276 of 2020.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected in connection with N.D.P.S. Case No. 18/2019 arising out of N.C.B. Case No. 13 of 2019 from the Court of learned Sessions Judge, West Champaran, Bettiah.

The application is dismissed accordingly.

(Anjani Kumar Sharan, J)

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