

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 23314 of 2020

Arising out of PS. Case No.-2 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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Naveen Jha, Son of Vishambhar Jha Resident of Village - Liluah, P.S.- Liluah,
District - Howrah

... .. Petitioner/s

Versus

The State of Bihar Through Narcotic Control Bureau Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Pravin Kumar, Advocate
For the Opposite Party/s	:	Mr. K.N. Singh, ASG
	:	Mr. Ratnesh Kumar, AC to ASG

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-09-2020 The Court proceeding has been conducted through
virtual mode.

Heard learned counsel for the petitioner and learned
APP for the State and Mr. K.N. Singh, learned Additional
Solicitor General appearing for Narcotics Control Bureau.

Since the court proceeding in physical mode is non-
functional, due to present pandemic, COVID-19, the matter is
listed with defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of court
proceeding in physical mode. In the eventuality of non-removal
of defects within undertaken period, the office will place the
matter before the bench.



The petitioner is languishing in custody since 20.02.2020 in a case registered for the offences punishable under Sections 8/20/25 of NDPS Act, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the written report of Rahul Kumar Purbey, Intelligence Officer, NCB, Patna submitted to the learned District & Sessions Judge-cum-Special Judge, NDPS, Begusarai, is to the effect that on 05.05.2020 the NCB intercepted Mahindra pick-up van and two persons were apprehended from the van, who disclosed their name as Santosh Ray and Satvir Kumar. During search, from the vehicle, 204 Kgs ganja was recovered. The apprehended co-accused Santosh Ray named the petitioner. Subsequently, the petitioner was apprehended and he made confession before the Investigating Agency.

It is submitted by learned counsel for the petitioner that the recovery has not been made from the conscious physical possession of the petitioner and petitioner is not the owner of the vehicle in question and investigation has already been concluded. A statement has been made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent.

Mr. K.N. Singh, learned Additional Solicitor General



appearing for the NCB assisted with Mr. Ratnesh Kumar, learned counsel submits that not only on the basis of the statement of co-accused from whose possession the recovery has been made, the name of the petitioner sprang up subsequently and on arrest the petitioner also made confession before the investigating agency that he was in league with the persons who were transporting the ganja. Moreover, call detail report of the petitioner suggests that he was in constant touch with Santosh Ray who was carrying ganja.

Considering the fact that *prima facie* the recovery has not been made from the conscious physical possession of the petitioner and investigation has already been concluded, coupled with the statement made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Sessions Judge-cum-Special Judge, Begusarai in connection with NDPS Case No. 07 of 2020 (CIS No. 8/20) arising out of NCB/P2U/V/02/2020.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon furnishing an undertaking by the surety, on photo



copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Sessions Judge-cum- Special Judge, Begusarai in connection with NDPS Case No. 07 of 2020 (CIS No. 8/20) arising out of NCB/P2U/V/02/2020.

The learned Court below is at liberty to further extend the period of provisional bail if the court proceeding in physical mode will not resume in next three months.

Accordingly, the application stands disposed of.

(Dinesh Kumar Singh, J)

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