

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57786 of 2019

Arising Out of PS. Case No.-11 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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Shantu Ram Son of Anil Biswas Resident of Village- Maghpula, P.S.-
Kotwali, District- Coochbehar (West Bengal).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate
	:	Mr. Anuj Kumar, Advocate
For the Opposite Party/s	:	Mr. Awadhesh Kumar Singh, APP
For the UOI	:	Mr. S.D.Sanjay, ASG.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 25-06-2020 The matter has been taken up through virtual Court
proceeding.

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in jail since 06.03.2018 in a
case registered for the offences punishable under Sections 20(b),
(ii) (c), 8(c) and 29 of the NDPS Act.

The prosecution case, as per the complaint filed by the
Intelligence Officer, NCB before the District & Sessions Judge-
cum-Special Judge, Patna, is to the effect that a confidential
information was received through reliable sources that ganja is
being transported from Agartalla (Tripura) to Raghapur
(Vaishali) in a Bolero vehicle. Consequently, the Bolero vehicle
was intercepted on 04.03.2018 in which four persons namely,



co-accused Suku Sarkar, Manik Sindha, Govindo Ghosh and Shantu Ram Bishwas (petitioner) were sitting. From the vehicle in question, 14 packets of ganja, weighing in all 137 kgs., were recovered, leading to filing of the complaint by the Narcotics Control Bureau.

It is submitted by learned Senior counsel for the petitioner that the petitioner was simply sitting in the vehicle in question as a passenger and nothing was recovered from his conscious physical possession. It is further submitted that the vehicle in question has not been found registered in the name of the petitioner. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent. It is also submitted that the ganja alleged to have been consigned to Awadhesh Rai who has been granted bail by a co-ordinate bench vide order dated 31.5.2019 in Cr.Mic.No.25907 of 2019.

Learned ASG, however, submits that the recovery is of much more than commercial quantity and the petitioner being a resident of West Bengal, was travelling in the vehicle in question and in a well planned manner the ganja was being transported from Agartalla (Tripura) to Raghapur (Vaishali). It is further submitted that the prayers for bail of other two persons



who were found sitting in the vehicle in question along with the petitioner, namely, Manik Singho and Govindo Ghosh have been rejected vide Cr.Misc. Nos.79898 of 2019 and 114 of 2020.

Considering the rival submissions of the parties, keeping in view of the fact that commercial quantity prescribed for ganja is 20 kgs. but the recovery is of 137 kgs. from the vehicle in question in which the petitioner was sitting, the embargo under Section 37 of the NDPS Act applies, which mandates that the bail can not be granted to such accused who are involved in commission of offences under Sections 19 of Section 24 or Section 27A of the Act and also the offences involving commercial quantity unless the Public Prosecutor is heard and the Court is satisfied that there are reasonable grounds for believing that the accused is not guilty of such offence and that he is not likely to commit any offence while on bail.

There is no material on record to satisfy the conscience of this Court that the petitioner is, prima-facie, not guilty nor that he will not misuse the privilege of bail.

Accordingly, this Court is not inclined to grant bail to the petitioner in connection with Special (NDPS) Case No.15 of 2018 arising out of F.No.NCB/PZU/V/11/2018 pending in the



Court of learned Additional District & Sessions Judge-VII,
Patna.

The prayer of the petitioner for bail is hereby rejected.

(Dinesh Kumar Singh, J)

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