

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78992 of 2019**

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

JIYUT MALLAH S/o Baidhnath Sahani R/o Village- Babu Vishunpur, P.S.-
Yadopur, District- Gopalganj.

... .. Petitioner/s

Versus

THE UNION OF INDIA, NARCOTICS CONTRO BUREAU, PATNA
ZONAL UNIT, PATNA Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harendra Prasad

For the Opposite Party/s : Mr. Pravin Kr. Sinha, Sr. Panel Counsel, UOI

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

6 10-07-2020 Heard the learned counsel for the petitioner, the

learned senior panel counsel for the Union of India and the

learned counsel for the State.

The matter has been taken up through video
conferencing.

The petitioner seeks bail in NDPS case No. 18/2019,
arising out of NCB Case No. 13/2019, registered u/s 414/34 of
the IPC and u/s 8, 2, 20, 25, 29 of the NDPS Act.

The informant, officials of the Narcotics Control
Bureau got information that some persons were carrying
contraband on two vehicles from Nepal side and on such
information one Maruti Alto car bearing registration No. BR
28K-0244 and one Mahendra Bolero vehicle bearing



registration No. BR28G- 7069 were intercepted. Altogether 13 persons were apprehended who were found sitting in the vehicles. 240 Kg Ganja kept in 45 packets was recovered from both the vehicles.

The learned counsel for the petitioner submits that out of 13 persons, two persons, namely, Iqbal Mukhiya and Dineshwar Yadav have been granted bail vide order passed in Cr. Misc. Nos. 10445/2020 and 17208/2020 and the case of petitioner stands on same footing. The petitioner is a labour who took lift in the vehicle but the petitioner had no knowledge that the driver of the vehicle was carrying commercial quantity of contraband in the vehicle but it appears that officers of the NCB got definite information about the carrying of huge quantity of contraband Ganja from territory of Nepal to territory of India and when the vehicles entered into territory of India both the vehicles were intercepted and 240 Kg of Ganja was recovered from both the vehicles in which 13 persons were found sitting. Commercial quantity of Ganja was recovered from the possession of petitioner and others.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is once again rejected.



Since the petitioner is in jail for about one year, the trial court is directed to hold the trial on day to day basis and conclude the same within one year from the receipt of this order.

The learned counsel for the Union of India is directed to ensure the attendance of prosecution witness in the trial court so that the trial must be concluded within one year.

Let a copy of this order be sent to Directorate, Narcotics Central Bureau, Delhi as well as the trial court for information and needful.

(Prabhat Kumar Jha, J)

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