

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.670 of 2020

Arising Out of PS. Case No.-3 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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MAHENDRA SAW Son of Late Sita Ram Saw Resident of Village- Kala
Diara, P.S.- Salimpur, District- Patna, Bihar

... .. Petitioner/s

Versus

UNION OF INDIA THROUGH DHIRAJ KUMAR, INTELLIGENCE
OFFICER NARCOTICS CONTROL BUREAU PATNA ZONE UNIT
Karpoori Thakur Sadan CGO Complex, D- and E Block, Ashiyana- Digha
Road, Patna-25, Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar
For the Opposite Party/s : Mr. Ram Anurag Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 15-06-2020 Heard learned Counsel for the petitioner and learned
Counsel for the Union of India, through video conferencing.

The petitioner seeks regular bail in connection with
Special Case No. 05 of 2019, arising out of F. No.
NCB/PZU/V/03/2019, registered for the offences punishable
under Sections 8/20/29 of the Narcotic Drugs and Psychotropic
Substances Act, 1985.

The allegation against the petitioner is that on
11.01.2019, the Narcotics Control Bureau, Patna, intercepted
one blue-coloured Hyundai car, without registration number, and
recovered 30.75 kgs. of Ganja from the dickey of the said car. It
has further been alleged that the petitioner was found driving the



car, in which four persons were sitting.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and the petitioner is a professional driver, who was hired by the accused persons. He further submits that the petitioner has got no criminal antecedent and contraband material has not been recovered from his conscious possession. He further submits that the petitioner is in judicial custody since 12.01.2019.

On the other hand, learned Counsel for the Union of India opposes the prayer for bail and submits that huge quantity of Ganja has been recovered from the car, which was being driven by the petitioner.

On the last occasion, a report was called for from the learned Additional Sessions Judge-XX –cum- Special Judge, NDPS Act, Patna, regarding the stage of the case and in pursuance thereof, a report has been submitted on 05.06.2020, by learned Additional Sessions Judge-XX –cum- Special Judge, NDPS Act, Patna, vide letter no. 38, stating therein that the case is listed for hearing on the point of framing of charge and out of six accused persons, four are in custody, including the petitioner, and two are absconding and for the absconded accused, a separate trial has been initiated.



After having heard learned Counsel for the parties and taking into consideration the fact that the petitioner has got no criminal antecedent and he is in custody since 12.01.2019, I am inclined to grant regular bail to the petitioner subject to framing of charge against the petitioner.

Accordingly, let the petitioner, above named, be released on bail, **after framing of charge**, upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XX –cum- Special Judge, NDPS Act, Patna, in connection with of Special Case No. 05 of 2019, arising out of F. No. NCB/PZU/V/03/2019.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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