

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87483 of 2019

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

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Alam Son of Late Abdul Karim Resident of Village, P.O. and P.S.-
Maharanganj, District- Saran

... .. Petitioner/s

Versus

The Union Of India through Intelligence Officer Patna Zonal Unit Narcotics
Control Bureau, Patna 67 Kautilya Nagar, P.O. -B.V. College, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Advocate

For the Opposite Party/s : Mr.S.D. Sanjay, Addl.S.G.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 22-06-2020 The matter has been taken up through virtual Court
proceeding.

Heard Mr. Ravi Ranjan, learned counsel for the
petitioner and Mr. S.D. Sanjay, learned Additional Solicitor
General appearing for Narcotics Control Bureau.

The petitioner is languishing in custody since
26.05.2019 in a case registered for the offences punishable
under Sections 20, 22 and 29/8 of Narcotic Drugs and
Psychotropic Substances Act, hence, the prayer for bail has been
made through the present application.

The prosecution case, as per the prosecution report
filed by Rahul Kumar Purbey, Intelligence Officer, Narcotics
Control Bureau, Patna Zonal Unit submitted to the District &



Sessions Judge -cum- Special Judge, Bettiah, is to the effect that on 23.05.2019 at 10.00P.M., the informant received a confidential information that some miscreants are trafficking drugs by two vehicles from Nepal. Consequently, a raid was laid and one Maruti Alto 800 and Mahendra Bolero vehicles were intercepted in which, altogether 13 persons, including the petitioner, were found travelling and from the vehicles altogether, 245 kgs Ganja were recovered. The petitioner confessed that he was driving one of the vehicles.

It is submitted by learned counsel for the petitioner that the petitioner is a simple mechanic and neither of the seized vehicle belong to him and he has maliciously been roped in the present case. The 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. Moreover, co-accused Iqwal Mukhiya @ Iqbal Mukhiya and Dineshwar Yadav have been granted bail by Co-ordinate bench of this Court vide Cr. Misc. Nos. 10445 of 2020 and 17208 of 2020.

Mr. S.D.Sanjay, learned Additional Solicitor General appearing for Narcotics Control Bureau submits that huge quantity of Ganja has been recovered from two vehicles and petitioner has admitted that he was driving one of the



vehicles which gets reflected from the statement of the petitioner recorded under Section 67 of NDPS Act. It is further submitted that so far grant of bail to two co-accused is concerned, Narcotics Control Bureau is going to challenge the said orders before the Hon'ble Supreme Court.

Considering the rival submission of the parties, this Court is of the view that commercial quantity of Ganja has been recovered from the two vehicles, the petitioner has admitted that he was driving one of the vehicles. Moreover, in view of the embargo under Section 37 of the NDPS Act, which mandates that no person accused of an offence punishable under Sections 19, 24 or 27A of the NDPS Act or offences involving commercial quantity shall be released on bail on unless the public prosecutor has been given opportunity to oppose the application for bail and on such opposition the court is satisfied that there are reasonable grounds for believing that accused or such applicant is not guilty of such offence and there is no likelihood of such accused to commit any offence while on bail.

The material on record does not suggest that petitioner is not guilty or there is no likelihood of his not committing any offence while on bail.



Though the co-accused persons have been granted bail by Co-ordinate bench of this Court but in view of the embargo for grant of bail on recovery of much more than commercial quantity of Ganja in the present case, this Court is not inclined to grant bail.

Accordingly, the prayer for bail of the petitioner in connection with NCB Case No. 13 of 2019, pending in the Court of learned Sessions Judge -cum- Special Judge, West Champaran, Bettiah, is, hereby, rejected.

Let the trial be expedited.

(Dinesh Kumar Singh, J)

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