

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22495 of 2021

Arising Out of PS. Case No.-4 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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1. Ankit Kumar @ Nanhe Son of Ram Naresh Singh Resident of Village- Naya Gaon, Police Station- Naya Gaon, District- Begusarai.
 2. Ajay Kumar Singh Son of Arvind Singh Resident of Village- Naya Gaon, P.S.- Naya Gaon, District- Begusarai.

... .. Petitioner/s

Versus

The Narcotic Control Bureau, Patna. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Krishan Jha, Advocate
For the Opposite Party/s : Mr. K.N.Singh (A.D.S.G)

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 28-06-2021 Heard the parties in virtual Court proceeding.

The petitioners are languishing in custody for the offences punishable under Sections 8/20/25/29 of the N.D.P.S. Act.

More than 800 Kgs of Ganja was recovered from a truck. Two persons were sitting on the said truck including the driver. The driver said that he was not aware whether the packets were containing Ganja; rather the persons sitting on the truck was knowing everything. That accused disclosed that Ganja is of Mukesh Jha. Thereafter, Mukesh Jha was arrested



and he said that only 100 Kg was of Mukesh Jha and rest was of the petitioner.

Learned counsel for the petitioners submits that disclosure under Section 67 of the N.D.P.S. Act cannot be taken into evidence as decided by Hon'ble Supreme Court in the case of **Tofan Singh** reported in **AIR 2020 SC 559**. Moreover, Mukesh Jha has already been allowed bail by a coordinate Bench of this Court. The petitioners have got no criminal antecedent under N.D.P.S. Act. Investigation of the case is already complete.

Considering the facts aforesaid, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.20000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Special Case No.7 of 2019, arising out of F. No.NCB/PZU/V/4/2019 with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioners shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioners.



(c) The petitioners shall not leave the country without
permission of the Court.

(Birendra Kumar, J)

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