

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20 of 2021

Arising Out of PS. Case No.-20 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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RAJU PRASAD PATEL @ RAJU PATEL S/o Late Pradip Prasad Patel R/o
village- Dumariya, P.O.- Pakhnaha, P.S.- Bairiya, District- West Champaran

... .. Petitioner/s

Versus

The Union of India through Regional Director, Narcotics Control Bureau,
Patna, Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Garg
For the UOI	:	Mrs. Kanak Verma, Advocate.
For the State	:	Mrs. Pushpa Sinha, APP.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 09-04-2021 Heard the parties.

The petitioner is languishing in custody for the
offence punishable under Sections 20, 25, 27 and 29 of the
N.D.P.S. Act.

Allegation is that 290 Kg of ganja was recovered from
a truck and petitioner was also there in the said truck.

Submission is that the petitioner has got no criminal
antecedent. He is in custody since 20.10.2019. There is non-
compliance of the mandate of law contained in Section 42, 50
and 57 of the N.D.P.S. Act.

Mrs. Kanak Verma, learned counsel for Union of
India contends that the case is not covered under the exception



to Section 37 of the N.D.P.S. Act. Therefore, the law requires that where there is recovery of commercial quantity of narcotic, bail should not be granted.

On careful consideration of the material on the record, in my view, there is nothing to doubt the involvement of the petitioner in the recovery of commercial quantity of narcotic nor there is anything to substantiate that in the event of release the petitioner would not commit such offence.

Hence, I am not inclined to enlarge the petitioner on bail in connection with N.C.B. Case No. NCB/PZU/V/20/2019 (N.D.P.S. Case No. 71 of 2019).

Prayer is refused.

Learned trial Judge is directed to expedite the trial.

(Birendra Kumar, J)

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