

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7856 of 2021

Arising Out of PS. Case No.-10 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Bhagalpur

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Milan Yadav, Son Of Late Karanbir Yadav, Resident Of Village-Chukti, P.S.-
Mansi, Dist.- Khagaria

... .. Petitioner/s

Versus

The Narcotics Control Bureau, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Pandey, Advocate

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 04-08-2021 The matter has been taken up today for consideration
through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the
learned counsel for the opposite party.

The petitioner seeks bail in connection with
N.D.P.S. Case No.07 of 2019, arising out of NCB No.10 of
2019, registered for the offence punishable under Sections 20
and 29 of the N.D.P.S. Act, which is pending in the court of
learned Additional District & Sessions Judge-IX, Bhagalpur.



The petitioner has been arrested on allegation that he was sitting in Scorpio vehicle from which 581 Kgs. *Ganja* has been recovered.

It is submitted that the petitioner is in custody since 29.04.2019 and has no criminal antecedents. Co-accused Mithilesh Yadav has been allowed bail in Cr.Misc. No.83489 of 2019, vide order dated 28.01.2020.

Learned counsel appearing for the Narcotics Control Bureau submits that the case of co-accused Mithilesh Yadav is different with that of the instant petitioner. The said accused was arrested on suspicion as he was talking with the Driver of the truck. The case of the petitioner stands on a different footing where he has been arrested with the contraband, much in excess of the commercial quantity and therefore, the petitioner's bail application is barred by Section 37 of the NDPS Act.

Considering the rival submissions, this Court, for the present, is not inclined to allow the petitioner's prayer for bail. The same is rejected.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks



from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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