

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4791 of 2020

Arising Out of PS. Case No.-20 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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GANESH MAHTO Son of Late Jamuna Mahto @ Jamuna Mahato Resident
of Village - Naurangpur, P.S.- Mahnar, Distt.- Vaishali.

... .. Petitioner/s

Versus

THE UNION OF INDIA THROUGH THE SUPERINTENDENT
NARCOTIC CONTROL BUREAU, PATNA Govt. of India.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Shrama, Sr. Advocate
Mr. Rajesh Kumar, Advocate
For the Opposite Party/s : Mr. Manoj Kumar Singh, CGC

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

10 07-04-2021 Petitioner seeks bail in a case registered for the

offence punishable under Sections 8/20(b)(ii)(C) /25/29 of the

Narcotic Drugs and Psychotropic Substance Act.

Informant is Intelligence Officer of Narcotic Control
Bureau, Zonal Unit, Patna, who in his prosecution report has
stated that on confidential information received on 11.04.2018
that a big consignment of Ganja has been dispatched from
Agartala to Raghapur and after said information was
communicated to Higher Official in writing, a team was
constituted which reached the Zero Mile at 11.00 PM and was
keeping vigil when at 4.00 AM a 407 vehicle followed by one
Mahindra Xilo was seen coming and was singled to stop and



driver of 407 vehicle disclosed his name as Kajaj Sarkar and persons in Xilo disclosed their name as Ashok Kumar, Ganesh Mahto, (petitioner), Ashok Kumar Rai and Ram Sewak Rai and a notice under section 50 of N.D.P.S. Act was served upon them and on search of their person and Xilo vehicle nothing was recovered but from the concealed cabin of 407 vehicle 517 Kg of Ganja was recovered which was seized in their presence and samples were prepared and a copy of same was handed over to the accused. Voluntary statement of accused petitioners were recorded under Section 67 of the N.D.P.S. Act in which all accused including the petitioners have confessed their guilt.

Earlier also, petitioner had moved this Court for grant of regular bail which was rejected vide Annexure 1 with a direction to the trial court to expedite the trial and conclude the same within one year.

Vide order dated 19.02.2020, report was called for from the court concerned as with regard to the stage of trial.

Report of the trial court has been received, which is kept at Flag R, extract of which is reproduced hereinbelow:-

“Most humbly and respectfully, I beg to say
that the case record of NDPS case No.06/2018 (C.I.S.
No.7/2018) arising out of NCB/P24/Cr. No.20/2018 is



pending in file for trial and disposal.

Further, I beg to say that upon perusal of case record it appears that three P.W.'s are examined till today and the case record is fixed on 13.03.2020 for evidence of rest three witnesses.”

In view of the above, considering the aforesaid facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Hence, the prayer for bail of the petitioner is hereby rejected.

However, the trial court is directed to expedite the trial of the petitioner and conclude the same within a period of one year from the date of receipt/production of a copy of this order.

(S. Kumar, J)

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