

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4348 of 2022

Arising Out of PS. Case No.-6 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Aurangabad

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Girwardhari Pandey @ Girwadhari Pandey, Son of Late Shambhu Pandey @
Late Shambhu Datta Pandey Resident of Village- Mangra, P.O.- Bhakura,
P.S.- Gorari (Karakat), District- Rohtas

... .. Petitioner/s

Versus

The Union of India Through Narcotics Control Bureau, Patna Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 29-08-2022 Heard learned counsel for the petitioner and learned
C.G.C. for the Narcotics Control Bureau, Patna.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with NCB Case No. 06 of 2021, registered for the alleged offence under Sections 8 (c), 20 (b) (ii) (c), 25 and 29 of NDPS Act.

As per the prosecution case, on specific information received by Narcotics Control Bureau, a truck was intercepted which was being driven by this petitioner and on search of the said truck, 1031.3 K.G. of Ganja was recovered.



The learned counsel for the petitioner submits that the petitioner is a victim of circumstances. From his statement recorded before the N.C.B., it is clear that he has no knowledge about the Ganja when he started for bringing coal. Only at Raigarh, he was told by the co-accused that Ganja has been loaded in the truck. The co-accused Rajendra Ram did not name this petitioner as his associate or accomplice and the petitioner knew nothing about the Ganja or about the other co-accused persons except Rajendra Ram. The other co-accused persons also did not name this petitioner. The petitioner went to bring coal and due to lack of money to return his village, he accepted to drive the truck and he never tried to conceal this fact and when inquired by the NCB Officials, he immediately disclosed this fact. The petitioner is in custody since 08.03.2021 and the prosecution report has been submitted in this case.

Learned C.G.C. opposes the prayer for bail submitting that the huge quantity of Ganja has been recovered from the truck which was being driven by this petitioner.

Perused the records.

Having regard to the facts and circumstances of the case and submissions made hereinabove and considering the fact that the petitioner was apprehended with a truck in which



1031.3 K.G. of Ganja was being transported and whatsoever be the excuse of the petitioner, the recovery has been made from his conscious possession and also considering the commercial quantity of Ganja, I am not inclined to enlarge the petitioner on bail.

Accordingly, his prayer for grant of bail is rejected.

However, the learned trial court is directed to expedite the trial and conclude the same at the earliest.

(Arun Kumar Jha, J)

V.K.Pandey/-

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