

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8766 of 2022

Arising Out of PS. Case No.-7 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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Ram Janam Yadav S/o Sri Upendra Yadav R/o village- Jagdhar, P.O.- Chiraili,
P.S.- Tekari, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Narcotics Control Bureau Patna through its intelligence Officer, Union of India Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms. Usha Kumari Singh, Advocate
For the UOI	:	Mr. Manoj Kumar Singh, C.G.C.
For the State	:	Mr. Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 28-11-2022 Heard learned counsel appearing on behalf of the petitioner, learned C.G.C. appearing on behalf of Union of India and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Special (N.D.P.S.) Case No. 27 of 2021 arising out of F. No. NCB/PZU/V/07/2021 registered for the offence under Sections 8(c), 20(b)(ii)(C), 25 and 29 of the N.D.P.S. Act.

The accused/petitioner is in custody since 08.03.2021.

The allegation against the petitioner is to have in possession of 905 Kg of 'Ganja', while driving a truck bearing



Registration no. AP 07 TU 6539.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was the driver of the alleged vehicle, from where the narcotics/contraband i.e., '*Ganja*' was alleged to be recovered. It is submitted that nothing surfaced during the course of investigation, which may suggest that petitioner was under knowledge to have in possession of '*Ganja*' and, as such, it can be safely gathered that alleged recovery of '*Ganja*' was not made from the conscious physical possession of the petitioner. It is further submitted that compliance of Sections 42 and 50 of the N.D.P.S. Act was not made in the present case, which is otherwise mandatory. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned C.G.C., Mr. Manoj Kumar Singh, while appearing on behalf of the Union of India, duly assisted by learned APP, submitted that the recovery is of huge commercial quantity, where Section 37 puts a barrier. It is also submitted that chemical analysis report was also obtained regarding seized material, alleged to be '*Ganja*', which shows that the sample of



seized material tests positive for '*Ganja*'.

In view of the facts and circumstances, as mentioned above, as recovered quantity is commercial i.e., about 905 Kg of '*Ganja*', this Court is not inclined to grant bail to the petitioner, for the present.

Accordingly, the prayer of bail of the petitioner is rejected herewith.

However, learned Trial Court is directed to conclude the matter by taking it on board, on day to day basis, if required, and conclude the trial within a period of nine (09) months from the date of receipt of a copy of this order.

Senior Superintendent of Police, Patna is directed to produce all the chargesheeted witnesses, as and when directed by the learned Trial Court, so as to conclude the trial within the aforesaid time period, as directed above.

(Chandra Shekhar Jha, J)

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