

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11524 of 2022**

Arising Out of PS. Case No.-5 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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Bipin Ray Son of Ram Karan Ray, Resident of Village - Birpur, P.S. -
Jurawanpur, District - Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar Sharma, Advocate
For the U.O.I.	:	Ms. Kanak Verma, C.G.C.
For the State	:	Mr. Bal Mukund Prasad Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 20-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), if any, as pointed out by the office,
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Special Case No. 20 of 2021 arising out of
N.D.P.S. Case No. F. No. NCB/PZU/V/05/2021 registered for
the alleged offences under Sections 8(c)/20(b)(ii)(c)/25/29 of the
Narcotic Drugs and Psychotropic Substances Act, 1985.

As per prosecution case, acting on a tip off about a
truck carrying *Ganja* in huge quantity from Bhuwaneshwar, the
N.C.B. team intercepted the said truck and the petitioner and co-
accused were apprehended from the truck. The petitioner is said
to be the driver of the said truck. On search, recovery of



151.100 kg of *Ganja* was made.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not involved in any occurrence as alleged and nothing incriminating has been recovered from his conscious possession. *Ganja* has been recovered from the backside cabin of the truck and the petitioner has not knowledge about that. The petitioner is merely a driver of the vehicle and he was having no knowledge that *Ganja* has been kept in the cavity behind back of the cabin of the truck. The procedure prescribed under Section 50 of the N.D.P.S. Act was not followed. The petitioner is in custody since 27.02.2021 and charge-sheet has been submitted.

Learned APP for the State as well as learned counsel appearing on behalf of NCB oppose the prayer for bail. Learned counsel for the NCB submits that the petitioner was apprehended with huge quantity of *Ganja*. The CDRs of the suspected mobile numbers were also analyzed and linkage with the petitioner, co-driver, supplier and receiver has been established through CDR analysis.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



serious and grave allegation against the petitioner who was caught with 151.100 kg of *Ganja* from his conscious possession, I am not inclined to grant bail to the petitioner. Hence, his prayer for bail is rejected.

However, the learned trial court is directed to expedite the trial and conclude the same preferably within a period of nine months.

(Arun Kumar Jha, J)

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