

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9965 of 2022

Arising Out of PS. Case No.-18 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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JITENDRA DEB BARMA @ JAGGU SON OF LATE BAISHAKH DEV
BARMA Resident of Village - Urbari Near BSF Camp. Tehsil- Tarapur,
Dsitt.- West Tripura, State- Tripura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through Secretary, Deptt. of Internal Security, Narcotics
Control Bureau, Patna, Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Mithlesh Kumar Khare, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 17-10-2022 Heard learned counsel for the petitioner, learned

counsel appearing on behalf of the NCB and learned A.P.P. for

the State.

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

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 8© read
with Sections 20(b)(ii)(C) and 29 of the NDPS Act.

Learned counsel for the petitioner at the outset very
fairly submits that petitioner has antecedent of two cases but
inadvertently in the anticipatory bail application, the same could
not be stated in detail, though petitioner has antecedent of a case
under the NDPS Act also.



The informant alleges that a truck was apprehended with 570 Kg. of Ganja. The truck was being driven by Dharmendra. Gurmail Singh driving a Swift Dzire Car and one Sunil Kumar was also apprehended who disclosed that he met the petitioner and Gurmail Singh at Agartala and they decided to smuggle Ganja to Bihar.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case and name of the petitioner transpired in the confessional statement of Sunil Kumar recorded under Section 67 of the NDPS Act which does not have any evidentiary value in the eye of law. He further submits that petitioner is a resident of Agartala and does not have any connection with Sunil Kumar or any of the accused who were apprehended.

Learned counsel for the NCB opposes the anticipatory bail application of the petitioner and submits that petitioner has antecedent under the NDPS Act which was not stated in the anticipatory bail application but the learned counsel very fairly at the outset made the submission and informed the Court that petitioner has antecedent of two cases. He further submits that during the course of investigation based on the confessional statement materials have come which connect the petitioner



with the offence.

Considering the submissions made by the learned counsel appearing for the NCB, this Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with NCB Case No. NCB/PZU/V/18/2019, Special Case No. 187 of 2019 (Supplementary Complaint Case No. 109 of 2019) pending in the Court of learned Additional Sessions Judge-XX-cum-Special Judge, NDPS Act, Patna/successor Court.

Accordingly, prayer for anticipatory bail is rejected.

(Satyavrat Verma, J)

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