

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51450 of 2021

Arising Out of PS. Case No.-31 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Nagendra Pandey S/o Kamta Pandey R/o village- A/2, Kasturba Path, North
S.K. Puri, P.S.- Sri Krishnapuri, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 20198 of 2022

Arising Out of PS. Case No.-31 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Ritesh kumar son of Ram Janam Kumar Resident of Village - Tilak Nagar,
Kachchi Dargah, Police Station - Fatuha, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 51450 of 2021)

For the Petitioner/s : Mr. Binay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

(In CRIMINAL MISCELLANEOUS No. 20198 of 2022)

For the Petitioner/s : Mr. Shailesh Kumar, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 26-07-2022

Cr. Misc. No. 51450 of 2021

Heard learned counsel appearing on behalf of the
petitioner and learned counsel 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 NDPS
Case No. 31 of 2021 registered for the offence under Sections 8



and 20(B)(ii)(c) of the NDPS Act, 1985.

The accused/petitioner is named in prosecution report and in custody since 09.03.2021.

The allegation against the petitioner is to have in possession of 30 Kg of contraband i.e., Ganja, which was recovered from a secret compartment created in the car, where petitioner was the driver.

Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of contraband is from the secret compartment of the car, which was also occupied by co-accused person, as such, it cannot be said that contraband was recovered from the conscious physical possession of the petitioner, who is otherwise a man of clean antecedent. While concluding the argument, it is submitted that investigation in this case is completed without obtaining the FSL report.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, submitted that the quantity of contraband, which was recovered from the possession of the petitioner, is of commercial quantity, where Section 37 of NDPS Act put a limitation. It is submitted that there is nothing to believe that petitioner may not likely commit any such offence, while on bail.



Considering the facts and circumstances as mentioned above, as recovery is of commercial quantity of the contraband, this Court is no inclined to grant bail to the petitioner.

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

The Trial Court is directed to conclude the trial, preferably within a period of six months from the date of receipt of this order, by taking the matter on board on day to day basis, failing which the petitioner shall be at liberty to renew the prayer of bail before the Trial Court itself.

Superintendent of Police, Gaya is directed to produce the chargesheeted witnesses, as and when directed by the Trial Court, so as to conclude the trial expeditiously, within aforesaid time period.

Cr. Misc. No. 20198 of 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel 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 NDPS Case No. 31 of 2021 registered for the offence under Sections 8, 20(b)(ii)(c) and 56(b) of the NDPS Act, 1985.



The accused/petitioner is named in prosecution report and in custody since 09.03.2021.

The allegation against the petitioner is to have in possession of 30 Kg of contraband i.e., Ganja, which was recovered from a secret compartment created in the car, where petitioner was the driver.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was accompanied in the alleged car, for the reason that he is a mechanic and his presence inside the car was in connection with his professional engagement, where nothing surfaced during the course of investigation, which may suggest that petitioner was aware about the contraband kept inside the car. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is completed without obtaining the FSL report.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, submitted that the quantity of contraband, which was recovered from the possession of the petitioner, is of commercial quantity, where Section 37 of NDPS Act put a limitation. It is submitted that there is nothing to believe that petitioner may not likely commit any such offence,



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Considering the facts and circumstances as mentioned above, as recovery is of commercial quantity of the contraband, this Court is no inclined to grant bail to the petitioner.

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Superintendent of Police, Gaya is directed to produce the chargesheeted witnesses, as and when directed by the Trial Court, so as to conclude the trial expeditiously, within aforesaid time period.

(Chandra Shekhar Jha, J)

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