

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23104 of 2022

Arising Out of PS. Case No.-2 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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Rajeev Mahto @ Rajeev Ranjan Kumar, Son Of Raj Nandan Mahto Resident
Of Village - Birarakh, P.S.- Sursand, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Narcotic Drug, New Delhi.
2. The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. S. K. Thakur- Advocate Mr. Subodh Kumar- Advocate
For Central Government :		Mr. Manoj Kumar Singh-C.G.C.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 19-09-2022 Heard learned counsel for the petitioner and learned
Central Government Counsel.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections
8(c)/20(b)(ii)(c)/25 and 29 of the N.D.P.S. Act.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that based on secret information that a Maruti Suzuki
Wagon-R car was intercepted, which was coming from Nepal
and on search, 125 Kgs. of Ganja kept in ten packets were
recovered and the driver Ram Babu Rai was apprehended along
with Rahul Raushan. It is next alleged that Ram Babu Rai



disclosed that Ganja was given to him by the petitioner on the assurance that he will also get Rs.3,000/-. Further, the petitioner was leading the car on a motorcycle and even informed that police force is ahead, hence, directed the driver of the car to take the car in reverse, but from behind S.S.B. Personnel came and intercepted the car and accordingly, the present F.I.R. came to be instituted.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. It is next submitted that it does not appear probable that the driver of the vehicle knowing that the alleged article was narcotics would have kept in the car for a meagre sum of Rs.3,000/-. It is next submitted that petitioner on the date of occurrence was under treatment at Government Hospital in Nepal namely, Jaleshwar Hospital.

The learned Central Government Counsel opposes the bail application and submits that the quantity of alleged recovered Ganja is much more than the commercial quantity. It is also submitted that though the Hon'ble Supreme Court in the case of *Tofan Singh vs. the State of Tamil Nadu reported in (2021)4 SCC 1* has held that confessional statement before the police in a matter relating to N.D.P.S. is not admissible, but then



in the present case, the driver has clearly stated that the petitioner was leading the vehicle and had also given instruction to take the car in reverse, as such, the matter is under investigation as to who called the driver of the vehicle. It is also submitted that it absolutely does not stand to reason that an Indian Citizen would go to Nepal for treatment of a serious ailment and gets hospitalized. This also creates doubt with regard to the veracity of the submission made by the learned counsel for the petitioner.

Considering the submissions made by the learned Central Government Counsel, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

Accordingly, his prayer for anticipatory bail stands rejected.

(Satyavrat Verma, J)

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