

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30631 of 2021

Arising Out of PS. Case No.-73 Year-2018 Thana- SAHAYAK NAGAR District- Katihar

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SANJIV DEV VERMA @ SANJIB DEBBARMA SON OF RAVI RANJAN
DEO VERMA @ RATI RANJAN DEBBERMA Resident of Village -
Barkathal, P.S.- siddharth Mohanpur, Dist.- Tripura West Tripura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 38836 of 2021

Arising Out of PS. Case No.-73 Year-2018 Thana- SAHAYAK NAGAR District- Katihar

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TAPAS DEV VERMA @ TAPAS DEB BARMA Son of Ramesh Dev Verma
Resident of Village- Rajendra Para, P.S.- Khowai, District- Khowai (Tiripura)

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 30631 of 2021)

For the Petitioner/s : Mr. Rakesh Kumar Sharma, Advocate

For the Opposite Party/s: Dr. Mrityunjay Kumar Gautam, APP

(In CRIMINAL MISCELLANEOUS No. 38836 of 2021)

For the Petitioner/s : Mr. Rakesh Kumar Sharma, Advocate

For the Opposite Party/s: Dr. Mrityunjay Kumar Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 02-03-2022 Heard Mr. Rakesh Kumar Sharma, learned counsel

for the petitioners and Dr. Mrityunjay Kumar Gautam, learned

Additional Public Prosecutor appearing for the State.

Petitioners seek regular bail in connection with Spe-
cial NDPS Case No. 03 of 2018 arising out of Katihar Sahayak
P.S. Case No. 73 of 2018 registered for the offences punishable



under Sections 8, 20(b)(ii)(c), 25 and 29 of the NDPS Act.

This is second attempt for grant of regular bail on behalf of the petitioners inasmuch as earlier the bail applications of the petitioners were rejected by co-ordinate Benches of this Court vide orders dated 21.5.2019 and 29.6.2020 passed in Cr. Misc. 32837 of 2019 and 67234 of 2019 respectively.

The allegation against the petitioners as per the First Information Report is that 644.05 kg. *Ganja* was recovered from a truck in which the petitioners were driver and cleaner.

Learned counsel for the petitioners submits that the petitioners have got no criminal antecedents and they were not aware about the contraband being kept in the truck in question. Learned counsel further submits that the petitioners have not committed any offence in the manner alleged and they have got no criminal antecedent and have falsely been implicated in this case with oblique motive. Learned counsel next submits that the petitioners are in custody for about more than four years i.e. since 1.2.2018.

On the other hand, Dr. Mrityunjay Kumar Gautam, learned counsel for the State submits that the contraband was recovered from the truck which was being driven by the petitioner and the cleaner was sitting in the truck and they were having



knowledge and control over the *Ganja* being kept in the truck. He further submits that since a huge quantity of *Ganja* i.e. about 644 kg. has been recovered and bail applications of petitioners were earlier rejected by this Court on merit, I am not inclined to grant bail to the petitioner in view of the legal provision prescribed under Section 37 of the NDPS Act.

This Court by an order dated 8.12.2021 had called for a report from the trial court regarding stage of trial and in pursuance thereof, the report of learned Additional Sessions Judge-IV, Katihar, is on record and from perusal of the same, it appears that out of 15 charge-sheet witnesses, 13 have been examined and cross-examined.

In view of the aforesaid, I am not inclined to grant regular bail to the petitioners.

Accordingly, the same is rejected.

However, the petitioners may renew their prayer for bail after six months if the trial does not show any progress.

(Anil Kumar Sinha, J)

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