

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30160 of 2022

Arising Out of PS. Case No.-73 Year-2022 Thana- AMBA District- Aurangabad

NAND KUMAR BHARDWAJ @ GOLU SINGH Son of Rakesh Singh @
Rakesh Kumar Singh Resident of Village - Bairiya, Police Station- Chenari,
District - Rohtas.

... .. Petitioner/s

Versus

THE UNION OF INDIA THROUGH NARCOTICS CONTROL BUREAU ,
PATNA Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Yogesh Chandra Verma, Sr. Advocate Mr. Rajani Kant Singh
For the Opposite Party/s	:	Mr. Tuhin Shankar, C.G.C

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 24-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Petitioner seeks regular bail in Amba P.S Case No. 73 of
2022 registered for the offences punishable under Sections 8/20(b)(ii)
(c), 25 and 29 of the NDPS Act.

As per prosecution story, the police officials of Amba
police station acting on a tip off started process of vehicles checking
on national high way and during that course two vehicles bearing
registration no. BR24AA/8055 and OD14A/6820 were intercepted
and at that time, drivers of the said vehicles made an attempt to flee
but any how the police succeeded to apprehend them after a long
chase and thereafter both vehicles were brought to the police station



and on checking 29 packets containing alleged narcotic material suspected to be Ganja were recovered from one of the aforesaid vehicles and the petitioner was found driving the said vehicle and his driving licence, voter card, PAN card were also recovered from the said vehicle and other accused persons who were present in the said vehicles as driver and companion were also apprehended by the police.

The main submissions advanced by Sri Yogesh Chandra Verma, the learned senior counsel appearing for the petitioner are that as per seizure memo, the recovery was made at Amba P.S. while as per FIR alleged narcotic material was recovered on the national highway at Amba Chowk which creates a serious doubt in the alleged recovery and seizure memo was not prepared at the spot and FIR as well as seizure memo does not show that sample of alleged contraband was taken by the police for chemical examination and the prosecution has placed reliance on the statements of the petitioner and others which are not admissible in law and moreover, mandatory provisions of sections 42, 50, 57 of NDPS Act were not complied. Further submission is that petitioner has got no criminal antecedent and he was simply a driver of the alleged vehicle and his livelihood completely depends upon his profession.

Sri Tuhin Shankar, learned CGC appearing for the Union of India has vehemently opposed the prayer for bail and submitted that the alleged recovery was made before the Circle officer, Amba



and alleged vehicle was intercepted after a hot chase and petitioner and other co-accused persons admitted themselves being involved in illegal trade of narcotic material and their activities were found in various States as per their admission and alleged narcotic material comes under the purview of commercial quantity and same was 138 kg 750 gm.

Heard both sides and perused the FIR as well as seizure memo attached to FIR. Present case relates to recovery of huge quantity of contraband suspected to be ganja and said recovery was made from a car which was being driven by this petitioner.

Considering the recovery of huge quantity of contraband, in the opinion of this court, petitioner does not deserve privilege of bail and accordingly, his prayer for bail stands rejected.

(Shailendra Singh, J)

s.hassan/-

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