

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30124 of 2022**

Arising Out of PS. Case No.-3 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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DEEPAK KUMAR Son of Randhir Singh Resident of Village and P.O.-
Mathura, P.S.- Bidupur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Sudema Singh
For the UOI (NCB)	:	Mrs.Renuka Sharma
		Mr. Rakesh Kumar

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-08-2022 The learned counsel for the petitioner is directed to

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

month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in Special Case no. 15/2021
arising out of F. No. NCB/PZU/V/03/2021 registered for the offences
punishable under sections 8 (c)/ 20 (b) (ii) (c)/25/29 of the NDPS
Act.

Allegedly, 96 kg narcotic material suspected to be Ganja
in 74 packets was recovered from a Marauti Ciaz vehicle and the
petitioner was found sitting in the alleged vehicle at the time of
alleged recovery.

The main submissions advanced by Sri Sudama Singh, the
learned counsel appearing for the petitioner are that the petitioner has



got no criminal antecedent, alleged contraband was not recovered from conscious possession of the petitioner, in fact, petitioner took lift in the said vehicle of co-accused Chunnu Kumar and he was *bonafide* rider on the said vehicle. Further submission is that petitioner has been languishing in jail for the last one and half year and while making search in the alleged vehicle, mandatory provision of NDPS Act was not complied by the police officials.

Smt. Renuka Sharma, learned counsel appearing for the Union of India has vehemently opposed the prayer for bail and submitted that petitioner's defence as he was riding in the alleged vehicle as *bonafide* rider is completely unbelievable as the petitioner and other co-accused are of the same vicinity and all of them are completely associated with each other and alleged recovered narcotic material comes under the commercial quantity.

Heard both sides, perused the complaint and search cum-seizure list. Present case relates to recovery of commercial quantity of contraband article which was found in a vehicle and the same was secretly kept in 74 packets and the petitioner was found sitting near the driver's seat. As per prosecution report alleged search was made before two independent persons.

Considering the said recovery of huge quantity of contraband, this Court is not inclined to give the privilege of bail to the petitioner and accordingly his prayer for bail stands rejected.

The petitioner may renew his prayer for bail before the



trial court after examination of the witnesses of seizure list. If said liberty is availed by the petitioner, the trial court shall dispose of bail petition of the petitioner on merit.

(Shailendra Singh, J)

s.hassan/-

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