

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29444 of 2022

Arising Out of PS. Case No.-102 Year-2022 Thana- SURSAND District- Sitamarhi

Arzu Rain Son Of Subhan Rain Resident Of Hanuman Nagar , Ward No 11,
P.S- Sursand , Dist- Sitamarhi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 32490 of 2022

Arising Out of PS. Case No.-102 Year-2022 Thana- SURSAND District- Sitamarhi

Ram Prasad Mandal son of Jhauuli Mandal Resident Of Village - Raima, Ward
No.14, P.S.- Saharghat, Distt.- Madhubani.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Home, Narcotic
Drugs Control Bureau, New Delhi Govt. of India.
2. The State of Bihar Through the Deptt. of Narcotic Drugs Control Bureau,
Patna, Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 29444 of 2022)

For the Petitioner/s : Mr. Amit Kumar Jha, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

(In CRIMINAL MISCELLANEOUS No. 32490 of 2022)

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

For the Opposite Party/s : Mr. K.N. Singh(A.S.G.)

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 01-09-2022 Both the criminal miscellaneous petitions have arisen

out of same P.S. case, hence they are being decided together by

a common order.

The learned counsels for the petitioners are directed

to remove all the defects pointed out by the Stamp Reporter



within one month.

Heard learned counsels for the petitioners and the learned APP for the State.

Petitioners seek regular bail in connection with Sursand (Bhitha O.P) P.S. Case No.102 of 2022 registered for the offences under Section 414 of the Indian Penal Code and Sections 8(c), 20(b) (ii)(C), 22(c), 23(c), 25, 29 of the N.D.P.S. Act, 1985.

As per the prosecution's story, the police got the information that some anti-social elements indulged in smuggling of narcotic materials namely Ganja and they brought the said contraband from Nepal country and thereafter they smuggled the same into India and acting on a secret information the police intercepted a vehicle and recovered a total of 108kg narcotic material suspected to be Ganja kept in several packets and the petitioner Ram Prasad Mandal was found as driver of the said vehicle and he was arrested at the spot and thereafter in following with the information given by arrested accused persons including the petitioner the police raided the house of co-accused Avinash Kumar @ Vicky and at the time of raid the petitioner Arzu Rain made an attempt to flee on seeing the police party but he was apprehended by the police and thereafter



the house of said co-accused Avinash Kumar @ Vicky was searched and a total of 95.3 kg narcotic material suspected to be Ganja along with a mobile phone were recovered and both the recovered materials were seized before the sub-Divisional Magistrate.

The main submissions advanced by the learned counsel Mr. Amit Kumar Jha for the petitioner Arzu Rain are that the petitioner is a co-villager of concerned police chowkidar who has some enmity with this petitioner and owing to that petitioner has been falsely implicated in this case and the petitioner has no criminal antecedent.

The main submissions advanced by the learned counsel Mr. Subodh Kumar for the petitioner Ram Prasad Mandal are that the petitioner has got no criminal antecedent and he is simply alleged to be driver of the alleged vehicle and he has been languishing in jail since 04.03.2022 and he had no knowledge about the alleged materials kept inside the alleged vehicle.

Learned APP Mr. Suresh Prasad Singh appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the seizure lists attached to the FIR. The present case relates to the



recovery of huge quantity of narcotic materials which was recovered from a vehicle and the same were packed in several packets containing narcotic material suspected to be Ganja that weighs 108.6kg in total and from the house of co-accused Avinash Kumar @ Vicky 95.3kg narcotic material suspected to be Ganja was recovered. Petitioner Ram Prasad Mandal was found as driver of the alleged vehicle and the recovery of the huge quantity of alleged contraband from the vehicle is sufficient to infer that the said petitioner had knowledge of the alleged materials loaded inside the vehicle and the petitioner Arzu Rain made an attempt to flee when the police party raided the house of co-accused Avinash Kumar @ Vicky and the said conduct of this petitioner goes against him and moreover as per the prosecution the accused persons were involved in smuggling narcotic material from other country into the territory of India and several persons were involved in the alleged smuggling. Considering the seriousness of the allegation this Court is not inclined to grant the privilege of bail to the petitioners. Accordingly, their bail prayer stands rejected.

(Shailendra Singh, J.)

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