

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48947 of 2021

Arising Out of PS. Case No.-5 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

ROUSHAN MAHTO Son of Ram Nath Mahto Resident of Village -
Chandrapura, P.S. - Raghobpur, Distt. - Vaishali.

... .. Petitioner/s

Versus

1. Union of India through Intelligence Officer Narcotics Control Bureau, Patna
2. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saurabh Kumar, Advocate
For the U.O.I. : Mr. Ratnesh Kumar, C.G.C.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 07-03-2022 Heard Mr. Saurabh Kumar, learned counsel for the

petitioner, Mr. Ratnesh Kumar learned Central Government

Counsel for the Union of India and Smt. Soni Srivastava,

learned counsel who, on request of the Court, assisted in the

matter.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
Special NDPS Case No. 94 of 2020 arising out of F.No.
NCB/P2W/v/05/2020 instituted for the offences under Sections
8, 20(B)(11)(C), 25 and 29 of the Narcotic Drugs and
Psychotropic Substances Act, 1985.

Learned counsel for the petitioner submits that the



petitioner is in custody since 26.06.2020, is a person with clean antecedent and charge-sheet has been submitted in the case. It is further submitted that the allegation is of recovery of 454.400 Kg. of Ganja from a truck on 24.06.2020.

Learned counsel for the petitioner submits that petitioner is the Khalasi of the truck and, as such, he was completely unaware what was loaded in the truck. Learned counsel further submits that the petitioner is not the beneficiary. Learned counsel also submits that the date of occurrence is 24.06.2020 and the charge-sheet/complaint came to be instituted on 17.12.2020 and the same was sent to the learned court below on 21.12.2020. Learned counsel thus submits that it absolutely does not stand to reason that when the charge-sheet/complaint was filed on 17.12.2020 why it was sent to the learned court below after a delay of five days.

Learned Central Government Counsel for the Union of India appears and opposes the bail application and submits that in pursuance of an information which was received by the N.C.B. on 23.06.2020, a team was constituted and the authority went to the place of occurrence when the truck was apprehended and from the truck 454.400 Kg. of Ganja was recovered. Learned Central Government Counsel has also filed a counter



affidavit and has explained the facts which has been raised by the learned counsel for the petitioner.

Considering the fact that recovery is of commercial quantity, the Court is not inclined to grant bail to the petitioner in connection with the aforesaid case pending in the Court of learned District & Sessions Judge-cum-Special Judge, NDPS, Patna.

The personal appearance of the Intelligence Officer, N.C.B., Patna is dispensed with.

(Satyavrat Verma, J)

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