

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40856 of 2022

Arising Out of PS. Case No.-221 Year-2021 Thana- RAJAPAKAR District- Vaishali

Pankaj Kumar Singh Son of Late Vishwanath Singh Resident of Village -
Nawanagar, P.S.- Biddupur, Distt.- Vaishali, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prakash Chandra, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 22-11-2022 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 learned
APP for the State.

Petitioner seeks regular bail in connection with Rajapakar P.S.
Case No. 221 of 2021 registered for the offences punishable
under Sections 8, 20 (b) (ii) (c), 22, 25 and 29 of the NDPS Act.

As per the prosecution, the informant along with other
police personnel apprehended this petitioner from the alleged
place and recovered a huge quantity i.e 7 quintal 8 kg 445 grams
of narcotic material suspected to be *Ganja* kept in 23 bags
inside a truck.

The main submissions advanced by learned counsel Mr.

Prakash Chandra, appearing for the petitioner are that the petitioner was shown as a driver of the alleged vehicle from which the alleged contraband was recovered but the petitioner was neither the driver of the vehicle nor the owner of the said vehicle and he has been languishing in jail since 22.08.2021 and the recovery of the alleged contraband was not made before the independent persons and the compliance of the provisions of Section 50 of NDPS Act has been violated by the police concerned. Further submission is that without obtaining the FSL report in respect of the alleged recovered suspected narcotic material the police submitted chargesheet against the petitioner and irregularities were committed by the police while preparing search and seizure memo.

Learned APP Mr. Navin Kumar Pandey, appearing for the State has opposed the prayer for bail.

Heard both the sides and perused the FIR and seizure list enclosed with the FIR. The instant matter relates to the recovery of the heavy quantity of contraband suspected to be *Ganja* and 7 quintal 8 kg 445 grams narcotic material suspected to be *Ganja* kept in 23 bags were recovered from the truck and the petitioner was apprehended at the spot and at that time he was driving the alleged vehicle and on seeing the police he tried

to flee but he was apprehended and the said conduct of fleeing also goes against him. Considering these facts and mainly taking into account the huge quantity of the alleged contraband allegedly recovered from the vehicle of which the petitioner was found to be a driver, in the opinion of this Court the petitioner does not deserve to the privilege of bail. Accordingly, his prayer for bail stands rejected.

(Shailendra Singh, J.)

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