

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51428 of 2021

Arising Out of PS. Case No.-8 Year-2021 Thana- TEGHRHA District- Begusarai

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DHARAMBIR KUMAR SON OF MITHLESH MAHTO RESIDENT OF
VILLAGE- RACHIYAH SIARAMPUR POLICE STATION- MATIHANI
DISTRICT- BEGUSARAI

... .. Petitioner/s

Versus

1. The State of Bihar
2. THE UNION OF INDIA THROUGH NARCOTICS CONTROL BUREAU,
PATNA, BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ravi Shanker Pankaj, Advocate
For the Opposite Party/s	:	Mr. Anil Prasad Singh, APP
For the NCB	:	Mr. R.K.Sharma, CGC

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 13-04-2022 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the NCB.

At the outset, it is submitted by learned counsel for
the NCB that the Narcotics Control Bureau has no role to play
in the instant case.

The petitioner has preferred this application for grant
of regular bail in a case registered under sections 20 and 22 of
the NDPS Act.

As per the prosecution case, on the vehicle in question
being stopped and searched it is stated that three packets
weighing a total of 23.062 kgs of ganja was recovered and the



accused persons including the petitioner herein were arrested.

It is submitted by learned counsel appearing for the petitioner that the petitioner has been falsely implicated in the case. From perusal of the FIR itself it would transpire that while the other two accused persons i.e. the driver and khalasi of the Bolero pickup vehicle are resident of Himachal Pradesh, the petitioner who was a passerby had merely taken a lift in the vehicle and has been falsely implicated in the case under a wrong impression. It is further submitted that there has been no compliance of the sections 41 and 42 of the NDPS Act nor section 105 of the Cr.P.C.. The petitioner has no concern with the seized ganja nor with the vehicle in question. It has come in paragraph no. 68 of the case diary that the petitioner has no criminal antecedent. He is in custody since 8.1.2021 and undertakes to cooperate in the trial.

The application for bail is opposed by learned APP for the State who submits that the petitioner was arrested at the spot and 23.062 kgs of ganja has been recovered which is a commercial quantity.

A copy of the FSL report was called for from the learned trial court. As per the Forensic Science Laboratory Report dated 28.6.2021 issued under the signature of the



Assistant Director, Forensic Science Laboratory, Govt. of Bihar,
Patna, the examination of the articles seized was carried out and
it transpired that the same was found to be ganja.

Having heard learned counsel for the parties and
taking into consideration the recovery of commercial quantity of
ganja together with the same having been confirmed with the
Forensic Science Laboratory report, the Court is not inclined to
enlarge the petitioner on bail and the application is rejected.

Learned trial court is directed to expedite the trial.

(Partha Sarthy, J)

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