

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54551 of 2021

Arising Out of PS. Case No.-2 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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Arvind Paswan S/o Brahamdev Paswan R/o village- Shumbha, P.S.- Alauli,
District- Khagaria

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Arjun Prasad, Advocate
For the UoI	:	Mr. Radhika Raman, Advocate
For the Opposite Party/s	:	Mr. Bharat Lal, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-02-2022 Heard learned counsel for the petitioner, Shri Radhika Raman, learned Central Government counsel and Shri Bharat Lal, learned A.P.P. for the State through virtual court proceedings.

The petitioner seeks bail in connection with N.C.B. Crime No. NCB/PZU/V/02/2020, N.D.P.S. Case No. 7A of 2020 (Registration No. 238 of 2020) instituted for the offences under Sections 8(c), 20(b) II (c) and 29 of the N.D.P.S. Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 28.06.2021, is a person with clean antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that the



informant in the F.I.R. alleges that N.C.B. had secret information about trafficking of ganja, accordingly on 05.02.2020 at about 1:00 am, a Bolero vehicle was intercepted which was being driven by one Santosh Rai and one Satvir Kumar was found seated in the vehicle and the said vehicle was brought to Balia Police Station and after search, 204 kg ganja was recovered from the cavity made in the floor of the Bolero. Further, accused disclosed that Navin Jha and Sujit Jha were with them in partnership for trafficking of *ganja*.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that the petitioner is not named in the F.I.R., further the accused who were apprehended even did not name the petitioner. Learned counsel further submits that as per voluntary statement of accused Santosh Rai, one Chandan was also found involved in the trafficking of seized *ganja* along with Sujit Jha and Navin Jha and accused Santosh Rai also disclosed the mobile number which was being used by Chandan as 7808806813. Learned counsel submits that even as per voluntary statement of Santosh, the name of this petitioner did not transpire rather he named one Chandan. Learned counsel further submits that the N.C.B. during investigation found that



the aforesaid mobile was in the name of this petitioner and the same was in contact with mobile no. 7764969391 used by accused Sujit Jha @ Sanjeev Jha @ Ghantol Jha and with mobile number 9523253360 used by accused Santosh Rai. It is thus submitted that merely because the mobile number was issued in the name of the petitioner, the N.C.B. implicated him without any proper investigation.

Learned counsel for the petitioner further submits that a counter affidavit has also been filed on behalf of the N.C.B. and *prima-facie* the counter affidavit appears to be cryptic as in reply to paragraph '3' of the bail application, the counter affidavit at paragraph '5' records that the matter is under investigation. Learned counsel submits that in paragraph '3' of the bail application it was clearly stated that petitioner is a person with clean antecedent and the counter affidavit was filed nearly after eighteen months of institution of the F.I.R. but in eighteen months N.C.B. could not even investigate as to whether the petitioner is having any antecedent or not. It is submitted that the entire counter affidavit is only repetitive of the fact that the mobile belongs to the petitioner on which Santosh and Sujit had talked when Santosh very clearly in his voluntary statement has stated that he was talking to Chandan



on that number. Learned counsel further submits that the counter affidavit is completely silent with respect to Chandan as to whether any investigation with regard to Chandan was even done or not.

Learned Central Government counsel submits that the petitioner was issued notice thrice but he did not appear and when in the investigation it was found that the mobile belongs to the petitioner and he had talked with the accused as aforesaid, he came to be implicated.

Learned counsel for the petitioner at this stage submits that co-accused Navin Jha has been granted bail vide order dated 16.09.2020 in Cr. Misc. No. 23314 of 2020.

Considering the fact that the petitioner is in custody since 28.06.2021, is a person with clean antecedent, charge-sheet has been submitted, co-accused has been granted bail and taking into consideration the submissions made by the learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge, Begusarai in connection with N.C.B. Crime No. NCB/PZU/V/02/2020, N.D.P.S. Case No. 7A of 2020 (Registration No. 238 of 2020).



At this stage, learned counsel for the petitioner seeks permission to rectify the pleadings made at the paragraph '2' and in the prayer portion of the bail application. Learned counsel submits that 'learned Additional and Sessions Judge, Begusarai' at both the places be read as 'learned District and Sessions Judge, Begusarai'.

(Satyavrat Verma, J)

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