

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56946 of 2021

Arising Out of PS. Case No.-8 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

Vipin Kumar S/O Sri Navdeep Rai R/O Village- Kutubpur, P.S.- Bidupur,
Distt.- Vaishali

... .. Petitioner/s

Versus

The Union Of India Through N.C.B., Patna, Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 57296 of 2021

Arising Out of PS. Case No.-8 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

MANOJ RAI Son of Muneshwar Rai Resident of - Kutubpur Kali Asthan,
P.O.- Kutubpur, P.S.- Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

The Narcotics Control Bureau, Patna throug The Union of India. Patna.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 60281 of 2021

Arising Out of PS. Case No.-8 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

Saistanand Ray @ Saistanand Rai Son Of Munshi Rai Resident Of Village-
Bagh (baig) Said Khan, Chechar, P.S.- Vidupur, District- Vaishali.

... .. Petitioner/s

Versus

The Union of India through Intelligence Officer, Narcotic Control Bureau,
Patna Zonal Unti, Patna. Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 56946 of 2021)

For the Petitioner/s : Mr. Vijay Kumar Sinha

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

: Mr. Radhika Raman (Union Government Counsel)

: Mr. Awadhesh kumar Panday (Sr. Panel Counsel)

: Mr. Ram Tujabh Singh, Adv.

(In CRIMINAL MISCELLANEOUS No. 57296 of 2021)



For the Petitioner/s : Mr. Anil Kumar
For the Opposite Party/s : Mr. K.N.Singh(A.D.S.G.)
: Mr. Manoj Kumar Singh (C.G.C)
: Mr. Awadesh Kumar Panday (Sr. Panel Counsel)
(In CRIMINAL MISCELLANEOUS No. 60281 of 2021)
For the Petitioner/s : Mr. Krishna Kant Singh
For the Opposite Party/s : Mr. K.N.Singh (A.D.S.G.)
: Mr. Manoj Kumar Singh (C.G.C)
: Mr. Awadesh Kumar Panday (Sr. Panel Counsel)
: Mr. Ram Tujabh Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

12 15-11-2022 Heard learned counsel for the petitioners and
learned APP for the State.

The petitioners seek bail in connection with Special
(NDPS) Case No. 127 of 2020, arising out of NCB/Crime
Case No. 08 of 2020, registered for the offences punishable
under Sections 8 (c) r/w and Sections 20 (b) (ii)(c), 25, 28
and 29 of the NDPS Act.

The prosecution case as emerges from the F.I.R. is
that 589.400 Kgs of *Ganja* was recovered from a truck
bearing no. HR55N/6416 and two persons were arrested on
the spot. It is further alleged that the arrested two accused
persons stated before the authorities that the accused-
petitioners, namely, Manoj Rai, Saistanand Ray @
Saistanand Rai and Vipin Kumar, who are petitioners herein,
had got the contraband loaded in the truck and were



following the truck by a Maruti Celerio Car bearing Registration No. BR31AG/5746. However, nothing was recovered from the Maruti Celerio Car.

The learned counsel for the petitioners submits that they are innocent and have falsely been implicated in this case. They further submit that nothing has been recovered from the conscious possession of accused-petitioners. They were implicated in this case only on the basis of confessional statement of the co-accused, which has no legal sanctity, unless it is corroborated by independent evidence. Ld. Counsel of petitioners submit that in the aforesaid facts and circumstances, the bar under Section 37 of the NDPS Act does not apply and this Court is at liberty to enlarge the petitioners on bail.

The petitioners have been languishing in jail since 01.09.2020.

It is also stated in paragraph no. 2 of the petition that the petitioners have never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated that the petitioners have



no criminal antecedent.

However, Ld. Union Government Counsel vehemently opposes the prayer of the petitioners for bail submitting that the alleged recovery is much more than commercial quantity and as such this matter is very serious in nature and the driver of the truck, wherefrom recovery was made, has clearly stated that this contraband was got loaded by the accused-petitioners and they are the main persons behind the whole trade of contraband, which is highly dangerous for the society. He further submits that trial of this case is going on and some witnesses have already been examined.

Considering the aforesaid facts and circumstances, particularly the quantity of the recovered contraband, I am not persuaded to enlarge the petitioners on bail at this stage.

However, the Trial Court is directed to expedite the Trial and conclude it within a period of nine months, failing which the Trial Court would give explanation as to why the trial was not concluded and the petitioners would be at liberty to renew their prayer for bail.



The application stands rejected with the aforesaid liberty.

The learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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