

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64818 of 2021**

Arising Out of PS. Case No.-6 Year-2021 Thana- GOVERNMENT OFFICIAL COMP. District- Aurangabad

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KAMLESH KUMAR @ KAMLESH YADAV @ SADHU @ SADHU YADAV S/o Deomuni Singh Resident of Village - Amethi, P.S. Sanjhauli, District - Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through the I.O. NCB, Bihar, Patna. Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Dhaneshwar Prasad Gupta
	:	Mr. Vindhkeshari Kumar
For the UOI	:	Mr. Awdhesh Kumar Pandey
	:	Mr. Radhika Raman

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 31-03-2022 Heard learned counsel for the petitioner and learned counsel for the Union of India assisted by Mr. Radhika Raman.

The petitioner seeks bail in a case registered for the offences punishable under Sections of the 8 (c), 20 (b)(ii)(c), 25 and 29 of the NDPS Act, 1985.

Learned senior counsel for the petitioner submits that petitioner is in custody since 07.04.2021 and chargesheet has been submitted. Petitioner is a person with clean antecedent.

Learned counsel for the petitioner submits that the allegation is of recovery of 10 quintals of ganja from a truck and Rajendra Ram alongwith the driver were arrested, who disclosed that Sadhu Yadav and Dharamraj Yadav would



receive the ganja, who are in Aurangabad. Rakesh and Krishnakant are the helpers of Sadhu Yadav and Dharamraj Yadav.

Learned senior counsel for the petitioner submits that petitioner has been falsely implicated in this case. It is further submitted that petitioner is a person with clean antecedent and except for confession, there is nothing against him. It is further submits that petitioner has been implicated in this case based on the statement of the driver recorded under Section 67 of the NDPS Act. Learned senior counsel for the petitioner, thus, submits that the statement of the driver recorded under Section 67 of the NDPS Act is also akin to the statement made before the police under Section 161 of the Cr.P.C. and thus, does not have any evidentiary value in the absence of any material coming during the course of investigation connecting petitioner with the offence.

Learned Central Government counsel vehemently opposes the prayer for bail of the petitioner and submits that a counter affidavit has been filed. It is submitted that merely based on confessional statement, it is difficult to pin down an accused but if during the course of investigation, there are materials to connect the petitioner with the offence, then the



question of bail in commercial quantity does not simply arise. Learned Central Government counsel draws the attention of the Court to Paragraph no. 11 of the counter affidavit to submit that during the course of investigation, based on the CDR investigation, it has come that the petitioner was in constant touch with the suppliers of the ganja including Rajendra Ram, which is sufficient to connect the petitioner with the offence as Rajendra Ram and the driver of the truck were apprehended with 10 quintals of ganja.

Considering the submissions made by learned Central Government counsel, the Court, for the present, is not inclined to grant bail to the petitioner.

Accordingly, prayer for bail of the petitioner is rejected.

(Satyavrat Verma, J)

Ankit/-

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