

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68122 of 2021

Arising Out of PS. Case No.-1 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Bhojpur

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Bijendra Kumar Rai, Son of Late Jagdish Rai, Resident of Village- Dahiawan
(South of Sia Masjid), P.S.- Chapra Town, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Narcotics Control Bureau Patna Zonal Unit Patna 14 Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Aditya Shankar Prasad, Advocate, Mr. Sanchay Srivastava, Advocate Mr. Aalekh Anand, Advocate Mr. Arpit Anand, Advocate Mr. Sushant Srivastava, Advocate
For the UOI (NCB)	:	Mrs. Renuka Sharma, Advocate Mr. Rajni Kant Singh, Advocate Mr. Rakesh Kumar, Advocate Mr. Manish Kumar, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

6 26-09-2022 Heard learned counsel for the petitioner and learned
counsel for the UOI (Narcotics Control Bureau), Patna.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with NDPS Case No. 06 of 2021 arising out of NCB Case No.1 of 2021, registered for the alleged offence under Sections 8 (c), 20 (b) (ii) (c), 25, 29 and 60 of NDPS Act.



As per the prosecution case, a secret information was received about some persons bringing huge quantity of *ganja* on a truck. The said truck was intercepted and two co-accused persons were apprehended from that truck and the recovery of 909.2 kg of *ganja* was made from the said truck. The name of the petitioner transpired on disclosure of the co-accused persons as the likely recipient of the contraband.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case on the basis of false and concocted evidence. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The confessional statement of co-accused persons will not be admissible before a court of law. Moreover, the co-accused persons withdrew their so called statements made before the officials of NCB. Learned counsel further submits that though the petitioner was arrested on 02.02.2021 but he was produced before the court only on 05.02.2021. Learned counsel further submits that the authorities have tried to show that the petitioner was involved in this case on the basis of call details report of the mobile numbers belonging to this petitioner and other co-accused persons on the ground that they were in regular contact



with each other. Further prosecution has tried to show that some money was transferred from the account of the petitioner to a co-accused, but neither it has been brought on record that the mobile numbers belong to this petitioner nor anything has been brought on record to establish the veracity of the account number of this petitioner and the co-accused and transaction made between them. Learned counsel further submits that except for the confessional statement of this petitioner, nothing has come up against the petitioner showing his involvement in the whole occurrence. The petitioner is in custody since 05.02.2021 and charges have been framed. The petitioner has no criminal history.

Learned counsel appearing on behalf of the NCB vehemently opposes the contention made on behalf of the petitioner. Learned counsel submits that the name of the petitioner transpired in the disclosure statement of co-accused persons and he has been shown to be in contact with the co-accused persons regularly through his mobile phone. Learned counsel further submits that the petitioner was apprehended on 02.02.2021 and produced before the learned Sessions Judge on 03.01.2021 and remand was sought by the authorities for two days and the same was granted. So, there is no illegality in



detection as contended by the learned counsel on behalf of the petitioner. Learned counsel further submits that call details report along with consumer application form and other documents have been brought on record and a counter affidavit on behalf of the NCB has also been filed on record wherein it has been specifically submitted that what was the phone number being used by the petitioner and other co-accused persons. The annexure appended with the counter affidavit shows their contact with each other on regular basis. Learned counsel further submits that if permitted he would bring on record the details of transaction taking place in the account of the petitioner and other co-accused though he concedes it is on record. The learned counsel further submits that after framing of charge, prosecution evidence is being recorded.

Perused the records.

Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and further considering the fact about call detail reports showing the connection of this petitioner with the co-accused persons caught with the contraband, for which apparently there is no explanation and also considering the nature of recovery, I am unable to persuade myself in believing that the petitioner is not



involved in the offence as alleged.

Hence, his prayer for grant of bail is rejected.

However, the learned trial court is directed to expedite
the trial and conclude the same at the earliest.

(Arun Kumar Jha, J)

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