

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1353 of 2022

Arising Out of PS. Case No.-5 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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JAIPRAKASH RAY SON OF LATE DEVENDRA RAY R/O VILLAGE-
KHIRODHARPUR, P.S.- KHUSRUPUR, DISTRICT- PATNA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. N.C.B. PATNA ZONAL UNIT, PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Dharendra Kumar Sinha, Advocate
For the NCB	:	Ms. Shail Kumari, CGC
For the Opposite Party/s	:	Mr. Ram Bilash Roy Raman, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 25-05-2022 Heard learned counsel for the petitioner, learned
Central Government Counsel and learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

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

Learned counsel for the petitioner submits that the
petitioner is in custody since 02.08.2021, charge-sheet has been
submitted and is a person with clean antecedent.

Allegation is of recovery of 151.100 Kg. of greenish
brown colour substance believed to be Ganja from a truck and



Bipin Ray and Dharmendra Kumar were arrested.

Learned counsel for the petitioner submits that petitioner is not named in the FIR and the two accused, who were arrested from the truck, also did not initially disclose the name of the petitioner to the NCB. It is next submitted that the date of occurrence is 26.02.2021 and Bipin Ray was taken on remand on 13.07.2021 and thereafter the name of the petitioner was disclosed by him in his statement under Section 67 of the NDPS Act which per se has no evidentiary value. It is next submitted that based on the disclosure made by Bipin Ray, the petitioner came to be implicated in the present case after five months of the occurrence which creates doubt with regard to the veracity of the allegation against the petitioner of his involvement in the occurrence. Learned counsel further submits that the petitioner is an old man, aged about 50 years, suffering from various illness.

Ms. Shail Kumari, learned Central Government Counsel and learned A.P.P. for the State vehemently opposed the prayer for regular bail of the petitioner. Learned Central Government Counsel submits that a counter affidavit has been filed in the case on behalf of the NCB and from perusal of the statement made in the counter affidavit, it would manifest that



during the course of investigation and after disclosure statement made by Bipin Ray one mobile number came into existence i.e. 8521574022, after investigating the number, it was found that the same was registered in the name of Rekha Devi, wife of the present petitioner and on further investigation, it revealed that from the said number Pramod Kumar @ Gorakh Ray, the receiver of the seized contraband, was contacted seventy-four times on his mobile no. 8935945892 and thereafter it also surfaced that from the said mobile number registered in the name of Rekha Devi, the mobile no. 7735694962 of Bipin Ray (driver of the truck) was contacted thirty-eight times. Learned Central Government Counsel, thus, submits that the mobile was registered in the name of the wife of the petitioner and it was used at the time of occurrence in contacting the driver of the truck and the receiver was to receive the Ganja that in itself is proof enough for the purposes of bail to connect the petitioner with the offences.

Considering the submission made by the learned Central Government Counsel and the fact that the recovery of Ganja is much more than commercial quantity and in huge quantity, the Court is not inclined to grant bail to the petitioner in connection with Special (NDPS) Case No. 20/2021



NCB/PZU/V/05/2021 pending in the Court of learned Sessions
Judge/Special Judge-XIII, Patna/successor Court.

Accordingly, prayer for bail is rejected.

(Satyavrat Verma, J)

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