

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9701 of 2023

Arising Out of PS. Case No.-51 Year-2022 Thana- KALER District- Jehanabad

SANJAY KUMAR SON OF LATE KAMTA CHOUDHARY R/O
MOHALLA- RAJENDRA NAGAR, RAILWAY HUNDER ROAD, P.S.-
KADAMKUAN, DISTT.- PATNA

... .. Petitioner/s

Versus

1. The State of Bihar
2. UNION OIF INDIA THROUGH ZONAL DIRECTOR, NCB, PATNA
BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Anil Kumar, Mr. Nishant Kiran
For the Opposite Party/s :	Mr.Shantanu Kumar
For UOI	Mr. Abhay Shankar Jha, CGC

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

- 3 07-07-2023 Heard learned counsel for the petitioner, learned
counsel for NCB, and learned APP for the State.

The petitioner has prayed for bail in connection with
NDPS Case No. 10 of 2022 arising out of kaler PS Case No. 51
of 2022 instituted for the offence under Sections 8, 20 (b) (ii)
C/25 and 29 of the NDPS Act.

Prosecution case relates to recovery of 97 kg Ganja
like substance packed in 71 sachet from a vehicle bearing
Registration No. BR01PD1390 of which petitioner was driver
and co-accused Ajit Kumar was sitting behind. Both the accused
persons were apprehended on spot.

Learned counsel appearing on behalf of the petitioner



has submitted that petitioner is innocent and has committed no offence. The seizure list is manufactured by the police officials as the same does not bear the signature of independent witness. Police has not complied the mandatory provision of Section 50 of the NDPS Act. Petitioner was simply a driver of the alleged vehicle and on instruction of owner, he was driving it and he has no any idea about keeping of illegal articles in the said vehicle. Petitioner has got no criminal antecedent and he is languishing in judicial custody since 3.6.2022.

The application for bail is opposed by learned APP for the State and learned counsel for NCB. and submitted that the quantity of recovered article is more than commercial quantity.

Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

The trial court is directed to expedite and conclude the trial.

(Sunil Kumar Panwar, J)

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