

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36083 of 2022

Arising Out of PS. Case No.-5 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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PRITAM KUMAR Son of Kapildeo Mahto Resident of village - Basahi, P.S.-
Cheriya Bariarpur, District - Begusarai.

... .. Petitioner/s

Versus

The Union of India through NCB, Patna, Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Jitendra Narain Sinha
For the Opposite Party/s	:	Mr. K.N. Singh(A.S.G.)
For NCB	:	Mr. Rakesh Kumar Sinha (Central Govt. Counsel)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 02-02-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Patna

Crime No. 05 of 2022 corresponding to NDPS Case No. 06

of 2022, registered for the offences punishable under

Sections 8 (c) read with Sections 20 (b) (ii) (C) , 25 and 29

of the NDPS Act.

As per allegation 547 kg of *Ganja* was recovered

from a Truck bearing Registration No. NL01G-5946.

Ld. counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in this

case. He further submits that he was not sitting in the truck



wherein contraband was loaded and as per allegation he was following the truck carrying the contraband. He also submits that the petitioner was arrested only on the basis of suspicion and confessional statement of other co-accused.

He further submits that the petitioner has been languishing in jail since 31.01.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State and Ld. Counsel for NCB vehemently oppose the prayer of the petitioner for bail submitting that the recovered *Ganja* from the truck being driven by the co-accused Anura Miyan is 547 kg which is much more than commercial quantity. They also submit that in the confessional statement of co-accused and self-statement of the accused-petitioner as recorded under section 67 NDPS Act, the petitioner was very much part of the illegal transport of the contraband which he was



escorting by following the truck by his car. They also submit that as per the call details there is proof of 23 calls between co-accused Jawahar Sah and the petitioner during the relevant time.

Considering the aforesaid facts and circumstances, particularly the commercial quantity of the contraband and material on record, I am not persuaded to enlarge the petitioner on bail at this stage.

Ld. counsel for the petitioner 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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