

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35958 of 2022

Arising Out of PS. Case No.-33 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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RAM BABU KUMAR Son of Ram Shakal Roy Resident of Village - Narha
Kalyan Ward No. 4, P.O.- Chingitakiya, P.S. - Bajpatti, District – Sitamarhi.

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Virendra Kumar, Advocate
For the Union Of Indian	:	Mrs. Kanak Verma, C.G.C.
For the State	:	Mr. Abhay Kumar Roy, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

6 22-03-2023 Heard learned counsel for the petitioner, learned counsel
for Union of India and learned APP for the State.

Petitioner seeks regular bail in connection with C 2
Case No. 02 of 2021, registered for the offences punishable
under Sections 8(c), 20(b)(ii)(c), 25 and 29 of the NDPS Act.

As per the prosecution, the police personnel on secret
information seized the alleged vehicle and apprehended this
petitioner with co-accused thereafter, upon search recovered
total 125 kg of contraband suspected to be *Ganja* from the
alleged vehicle.

The main submissions advanced by petitioner's counsel



are that there is no independent witness of the alleged recovery of contraband, while as per the prosecution's story a crowd consisting of several persons gathered when the alleged vehicle was intercepted and searched and the seizure memo was not prepared at the spot of recovery of the alleged contraband and the petitioner has been languishing in jail since 14.12.2021.

Learned APP appearing for the State has opposed the prayer for bail.

Heard both the sides. The instant matter relates to the recovery of 125 kg of narcotic material suspected to be *Ganja* kept in 10 packets and the said recovery was made from *WagonR vehicle* and the petitioner was arrested from the said vehicle in the capacity of driver and the alleged packets containing the contraband were kept behind the seat of the driver as well in the *dikki* of the alleged vehicle and the said fact is sufficient to draw the inference that the alleged contraband was in the knowledge of the petitioner. Considering the seriousness of the allegation appearing against the petitioner as well as huge quantity of the alleged contraband recovered, in my opinion it is not a fit case for bail to the petitioner. Accordingly, petitioner's prayer for bail stands rejected.

As per the submission made by the petitioner's



counsel, charges have been framed upon the petitioner hence trial court is directed to expedite the trial of the petitioner and take steps to conclude the same in the next eighteen months.

(Shailendra Singh, J.)

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