

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53808 of 2023

Arising Out of PS. Case No.-13 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Katihar

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MAHADEV KUMAR S/O Narayan Mandal R/O Village- Nawabganj, Purab
Tola, P.S- Kursela, Distt.- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through the Director of Narcotics Control Bureau, New
Delhi. Delhi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Nawal Kishor Singh
For the Opposite Party/s :	Mr. Aslam Ansari
For the UOI	Mr. Awadhesh Kr. Pandey, Sr. CGC. Ms. Shaail Kumari

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 08-12-2023 Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner has filed this application for grant of
regular bail in connection with Special N.D.P.S. Case No. 19 of
2022 arising out of NCB/PZU/V 13/2022, which was earlier
withdrawn on 27.4.2023 in Cr. Misc. No. 19532 of 2023.

Prosecution case relates to recovery of 795 kg. Ganja
from a bamboo loaded truck kept in 54 pocket.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. Petitioner is neither driver nor owner of the said truck.



He has no concern with the said truck or with the recovered ganja. . He was apprehended by the NCB team only on the basis of suspicion. Provision of Section 100 CR.P.C. has not been followed by the police officials while preparing the seizure list. Petitioner has got no criminal antecedent and he is languishing in judicial custody since 12.4.2022.

It is submitted by learned APP for the State and learned counsel for appearing for UOI submitted that the quantity of alleged recovery comes within the purview of commercial quantity. Petitioner was arrested on spot.

No good ground is made out for consideration of the bail application of the petitioner. Accordingly, his prayer for bail is rejected.

The application stands disposed off.

The learned trial court is directed to conclude the trial within a period of nine months failing which, the petitioner will be at liberty to renew his prayer for bail.

(Sunil Kumar Panwar, J)

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