

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52696 of 2022

Arising Out of PS. Case No.-73 Year-2022 Thana- AMBA District- Aurangabad

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DHIRAJ PATHAK @ DHEERAJ PATHAK S/o Nar Vedeshwar Charya @
Nar Wadeshwar Charya R/o village- Moresarai, P.S.- Sheosagar, District-
Rohtas

... .. Petitioner/s

Versus

The Union of India through Narcotics Control Bureau, Patna Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Siddharth Harsh, Advocate

For the Opposite Party/s : Mr. K.N. Singh (A.S.G.)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

8 24-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Amba P.S. Case No. 73 of 2022, lodged on 31.03.2022 under
Sections 8/20(b)(ii) C, 25/29 of the NDPS Act.

3. As per the prosecution case, total recovery of
138.750 kg of *ganja* has alleged to be made, which is subject
matter of the present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that the petitioner was going by Swift Car and from the said car
nothing incriminating has been recovered, but from another car
i.e. Ford Figo from the *dikki* of that car, total 138.750 kg of
ganja was recovered. He further submits that the person who



was driving Swift Car has been granted bail by this Court vide order dated 22.11.2022 passed in Cr. Misc No. 38080 of 2022. Counsel further submits that chargesheet has been filed and charge has already been framed in this case. He submits that the antecedent of the petitioner is not clean and there are four criminal cases pending against him. He further submits that petitioner is in custody since 31.03.2022. He also submits that on the previous occasion, progress report of the trial has been called for.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the huge quantity of *ganja* were recovered. He submits that it is true that the said *ganja* was recovered from Ford Figo and from the Swift car, nothing was recovered, but it has come in the investigation that the petitioner was working as a liner for the movement of the N.D.P.S. material. He also submits that there are four criminal cases pending against him and his antecedent is not clean.

6. On previous occasion, progress report was called for. It transpires from the progress report that 8 witnesses have been examined and in the final form attached with this case, it transpires that there are total 8 names in the list of the witnesses. As such, this Court is not inclined to grant regular bail to the



petitioner.

7. Accordingly, the prayer for regular bail of the petitioner in connection with Amba P.S. Case No. 73 of 2022, pending before the learned Special Judge (NDPS), Aurangabad is hereby rejected.

8. Trial Court is directed to conclude the trial at the earliest preferably within 6 months.

(Dr. Anshuman, J.)

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