

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68586 of 2022

Arising Out of PS. Case No.-234 Year-2022 Thana- KATIHAR GRP CASE District- Katihar

Rajesh Mahto, S/o Devan Mahto, R/O Village- Musapur Ward No-4, P.S-
Muffasil, District- Samastipur

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Mahendra Pratap, Advocate
For the Opposite Party/s :	Mr. Manoj Kumar Sing (CGC)
	Mr. Ankit Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 3 24-04-2023 1. Heard learned counsel for the petitioner, learned
counsel for the N.C.B. and the learned APP for the State.
2. Petitioner seeks regular bail in connection with
Special N.D.P.S. Case No. 27 of 2022 (G.R. No. 310 of 2022)
arising out of Katihar Rail P.S. Case No. 234 of 2022 dated
17.07.2022 registered for the offences punishable under
Sections 307, 414, 328 of the Indian Penal Code read with
Sections 8(c), 22(b) of the N.D.P.S. Act and Sections 137 and
147 of the Railways Act.
3. As per the prosecution, the informant alleged that



this petitioner was apprehended from the alleged spot and upon search 51 pieces of Ativan tablets and 4 mobile phones were recovered from his possession .

4. The main submissions advanced by the learned counsel for the petitioner are that though against the petitioner there are criminal antecedents of eight cases of the similar nature like the present matter but in the present matter the compliance of the provisions of Section 50 of N.D.P.S. Act was not made by the police party when the petitioner was apprehended and searched and the police had sufficient opportunity to call the Executive Magistrate as the search and seizure was made during day time.

5. Learned counsel appearing for the N.C.B. has vehemently opposed the bail prayer and submitted that there is serious allegation against the petitioner and from his possession 51 pieces of Ativan tablets containing prohibited narcotic materials were recovered and allegedly petitioner used to intoxicate the innocent passengers at the platform of the railway stations by using the said contraband and on the alleged day he was arrested with the alleged tablets and he had already intoxicated four passengers on that day and the mobile phones which were taken by this petitioner from the



said passengers after getting them intoxicated were recovered from the possession of this petitioner and he has antecedents of eight cases of the similar nature.

6. Considering the seriousness of the allegation appearing against the petitioner from the FIR as well as submissions made by learned counsel appearing for the N.C.B. and also the facts that the petitioner was apprehended with the alleged narcotic drugs and at the platform of the railway station concerned four passengers were found in unconscious condition and petitioner was identified by CCTV footage and after his arrest he revealed the details of other passengers having been intoxicated by him and thereafter the said passengers were also found at the place which was disclosed by this petitioner and the petitioner has criminal antecedents of eight cases of the similar nature and in the FIR itself it has been revealed about the reason for the non-compliance of provisions of Section 50 of N.D.P.S. Act and moreover the said fact is a subject of trial, in the opinion of this court, petitioner does not deserve to the privilege of bail. Accordingly, his bail prayer stands rejected.

The trial court is directed to expedite the trial of the petitioner, if the same has started and take steps to conclude



the same in the next one year. If petitioner’s trial is not concluded in the said period then he may renew his bail prayer.

(Shailendra Singh, J)

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