

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27343 of 2023

Arising Out of PS. Case No.-27 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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Ramesh Kamti, aged about 41 years, Male, S/O Late Ramashish Kamti,
resident of village- Kalyanpur, P.S- Chakmehsi, Distt.- Samastipur.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Senior Advocate with
Mr. Sanjeet Kumar Singh, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 05-01-2024 Heard Mr. N. K. Agrawal, learned senior counsel for

the petitioner and learned Additional Public Prosecutor for the

State.

2. The petitioner seeks bail in connection with Special
(NDPS) Case No.27 of 2021 dated 06.07.2021, instituted for
the offence punishable under Sections 8 and 20(ii)(b)(c) of the
Narcotic Drugs and Psychotropic Substances Act.

3. Prayer of the petitioner for bail was earlier rejected
by this Court vide order dated 28.09.2022 passed in Cr. Misc.
No.10136 of 2022.

4. The allegation is of recovery of 330 Kg. *Ganja*
from the pickup van bearing registration nu. BR 33 M 4043 of
which the petitioner was the driver.



5. Learned senior counsel for the petitioner submits that the petitioner is the driver of the pickup van and on the instruction of the owner of the pickup van he had gone to Orissa with the mangoes loaded on his pickup van and he parked his vehicle in Mango Depot named and styled as Bohra Transport and thereafter went to transport office for taking rest. On 05.07.2021, he was returning from Orissa to Samastipur and when he reached near *Samekt Jaanch Chauki, Rajauli*, the pickup van was checked and 330 Kg. Ganja was recovered kept in mango basket. Learned counsel further submits that the petitioner is in custody since 07.07.2021, but not a single witness has been examined in the case till date as per report of the Court below. Learned senior counsel has relied on the decision of Hon'ble Supreme Court in in the case of ***Kulwant Singh Vs. State of Punjab; SLA (Crl.) 5187 of 2021*** decided on 10.11.2021, wherein, the Hon'ble Supreme Court was pleased to grant bail to the accused in a case of recovery of contraband of commercial quantity taking into consideration the advance age of the said accused as also the period of custody which was two years. Learned senior counsel has also placed reliance on the order dated 29.04.2023 passed in Cr. Misc No.9036 of 2023 by a co-ordinate Bench of this Court by which petitioner of that



case was granted bail in a case in which contraband was recovered. Learned senior counsel submitted that the case of the petitioner is covered from the aforesaid two decisions and prayed that the petitioner be released on bail.

6. Learned APP has opposed the prayer for bail.

7. A report about the present stage of trial and the likely time to be consumed in its conclusion was earlier called for from the trial Court which has been received. From the report of the trial Court, it appears that charges have been framed on 30.05.2023 and there are total five official witnesses but till the date of submission of report not a single witness was examined. The trial Court has opined that the trial is likely to be concluded within 6-8 months if the prosecution produces the witnesses expeditiously. The report of the lower court is dated 06.11.2023.

8. Having heard learned counsel for the parties, this Court finds that the Hon'ble Supreme Court in the case of ***Kulwant Singh*** (supra) has been pleased to grant bail taking into consideration the advance age of the petitioner. In the present case, the petitioner himself has disclosed his age as 41 years. Further, this Court finds that facts and circumstances mentioned in Cr. Misc. No.9036 of 2023, by which a co-ordinate Bench of



this Court has granted bail in another case in which contraband was seized, is quite different.

9. In view of recovery of huge quantity of *Ganja* from the pickup van of which the petitioner was driver coupled with the fact that no fresh ground has been made out for grant of bail, I am not inclined to enlarge the petitioner on bail.

10. Accordingly, prayer of the petitioner for bail is again rejected.

11. However, the trial Court is directed to take all endeavor and conclude the trial positively within a period of nine months from the date of receipt/production of a copy of this order.

12. The application stands disposed of.

(Khatim Reza, J)

J. Alam/-

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