

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44013 of 2024

Arising Out of PS. Case No.-9 Year-2023 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Begusarai

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Rana Sanjiv Yadav Son of Jay Jay Ram Yadav R/O Village - Hira Tola, Ward
No.- 02, Raghunathpur, Barari, P.S.- Sahebpur Kamal, District - Begusarai,
Pin - 851217.

... .. Petitioner/s

Versus

1. The Union of India through Intelligence Officer, Narcotics Control Bureau,
Patna, Bihar. Bihar
2. The State of Bihar, Through the Intelligence Officer N.C.B., PZU, Patna,
Bihar. Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Ranjit Jha, Adv.
For the Opposite Party/s :	Ms. Radhika Raman, Sr. CGC
	Mr. Ram Tujabh Singh, CGC

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 28-08-2024 Heard learned counsel for the petitioner and learned
counsel for the Union of India.

2. The petitioner seeks regular bail in connection with
N.D.P.S. Case No. 27 of 2023 arising out of NCB Case No.09 of
2023 dated 26.05.2023, lodged under Sections 8(C), 20, 21(C),
25 & 29 of the N.D.P.S. Act.

3. As per the prosecution case, the FIR has been
lodged against 4 named accused persons including the present
petitioner. Total 260 grams of *heroin* has been alleged to be
recovered which is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. Counsel further submits that the said recovery has not been made from the petitioner's possession. The petitioner was sitting on the front seat and the said recovery has been made from the back seat of the scorio. Counsel submits that under NDPS Act, each person is responsible for his own action and the petitioner is completely innocent.

5. Learned counsel for the petitioner further submits that one accused person namely Sumant Kumar has been granted bail by the Co-ordinate Bench of this Court *vide* order dated 07.02.2024 passed in Cr. Misc. No.67805 of 2023. Counsel submits that the criminal antecedent of the petitioner is clean and he is in custody since 27.05.2023.

6. Learned counsel for the Union of India opposes the prayer for bail of the petitioner and submits that counter affidavit has been filed in this case and in the said counter affidavit, chemical examination of the said material has been brought on record in which it has been found that the material is *heroine*. Counsel further submits mobile numbers of all the accused persons have been tracked and it has been verified on the basis of which, a flow chart has been prepared and from the said flow chart, it has been found that all accused persons were



in contact with each other and NCB identified the accused namely Kalim @ Karim Mian as supplier and the present petitioner including others as carrier cum receiver. Counsel further submits that during investigation, all the accused persons have supported the recorded evidence by the NCB.

7. In the present facts and circumstances, this Court is not inclined to grant regular bail to the petitioner.

8. Accordingly, the prayer for regular bail of the petitioner in connection with N.D.P.S. Case No. 27 of 2023 arising out of NCB Case No.09 of 2023, pending before the learned Sessions Judge, Begusarai is **hereby rejected**.

9. The Trial Court is directed to expedite the trial as early as possible.

(Dr. Anshuman, J)

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