

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41727 of 2024

Arising Out of PS. Case No.-11 Year-2023 Thana- D.R.I District- Muzaffarpur

Pramod Kumar Mahto SON OF LATE RAM KSHATRI MAHTO VILLAGE-
BALWA, PO- SAHARGHAT, PS- MADHWAPUR, DIST- MADHUBANI

... .. Petitioner/s

Versus

1. The State of Bihar
2. DIRECTOR OF REVENUE INTELLIGENCE, REGIONAL UNIT,
MUZAFFARPUR, BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 41793 of 2024

Arising Out of PS. Case No.-11 Year-2023 Thana- D.R.I District- Muzaffarpur

Harendra Kumar Son of Devendra Ray @ Devendra Yadav Resident of
Village - Khoria, Ward No.- 17, Post Office - Choraut, P.S.- Pupri, District -
Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Director of Revenue Intelligence, Regional Unit, Muzaffarpur, Bihar.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 41804 of 2024

Arising Out of PS. Case No.-11 Year-2023 Thana- D.R.I District- Muzaffarpur

Ranjeet Mandal Son of Kari Mandal Resident of Village - Basuki Ward No.-
06, Post Office - Basuki Bihari, P.S.- Madhwapur, District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Director of Revenue Intelligence, Regional Unit, Muzaffarpur, Bihar. Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 41727 of 2024)
For the Petitioner/s : None
For the Opposite Party/s : Mr.Yogendra Kumar Singh



Mr. Anshumar Singh, Sr. S.C. DRI
Mr. Ranjay Kumar, Adv
(In CRIMINAL MISCELLANEOUS No. 41793 of 2024)
For the Petitioner/s : None
For the Opposite Party/s : Mr. Anshumar Singh, Sr. S.C. DRI
Mr. Ranjay Kumar, Adv
(In CRIMINAL MISCELLANEOUS No. 41804 of 2024)
For the Petitioner/s : None
For the Opposite Party/s : Mr. Jagdhar Prasad, APP
For the D.R.I. : Mr. K.N. Singh, ASG.
Mr. Anshumar Singh, Sr. S.C. DRI
Mr. Ranjay Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 25-09-2024 No one appears on behalf of the petitioners.

However, Mr. Arun Bharti appears at Bar and submits that Mr. Santosh Kumar, Advocate on records has instructed him to take time. Upon perusal of the Vakalatnama, it transpires that there are three counsels on record, but no one appears on behalf of the petitioners

2. As such, this Court is not inclined to grant time. Therefore, this Court is passing order upon the documents available on records.

3. Upon perusal of the records, it transpires that the petitioners seeks regular bail in connection with D.R.I. Muzaffarpur P.S. Case No. 11/2023-24 lodged on 30.12.2023 under Sections 20, 25 and 29 of N.D.P.S. Act, 1985.

4. As per the prosecution case, F.I.R. has been lodged against three named accused persons namely Ranjeet Mandal (Petitioner of Cr. Misc. No. 41804 of 2024) Harendra Kumar,



Cr. Misc. No. (Petitioner of Cr. Misc. No. 41793 of 2024) and Pramod Kumar Mahto (Petitioner of Cr. Misc. No. 41727 of 2024).

5. Upon perusal of the F.I.R., it transpires that on secret information, the transportation of huge quantity of Ganja was going on. But the Officials of Directorate of Revenue Intelligence has intercepted the vehicle and recovery of Ganja measuring 75.98 Kg Gross weight/75 Kg Net Weight of Ganja has been made. Panchnama, in this regard has also been prepared in presence of Intelligence Officer, petitioners as well as the witnesses.

6. From the pleadings of the bail application of the Promod Kumar Mahto i.e. (Petitioner of Cr. Misc. No. 41727 of 2024), it transpires that the petitioner has clean antecedent and he is in custody since 30.12.2023. It has been pleaded that the compliance of Section 100(4) of Cr.P.C. has not been done neither 104 of Cr.P.C. nor Section 50 of the NDPS has been done. It has been alleged that D.R.I. Officials intercepted him and started demanding bribe and upon refusal, one from Mahindra Scorpio and three persons from Maruti Suzuki Swift Desire were apprehended in which one was Ramlakhan Kumar who was released by the D.R.I. Official. It has been further



pleaded that the Petitioner of Cr. Misc. No. 41727 of 2024 i.e Parmod Kumar Mahto is not the owner/driver of the Scorpio Vehicle from which the Contraband Ganja was recovered. Both the vehicles have been intercepted and case has been filed against the petitioner with ulterior motive. It has also been pleaded that the petitioner is respectable person in the society and ready to fulfill all the conditions whatsoever shall be imposed.

7. Learned Counsel for the D.R.I., denies the bail application of the accused Pramod Mahto (Petitioner of Cr. Misc. No. 41727 of 2024) and submits that the recovery of Ganja, weighing 75.98 Kg has been made from the Scorpio on which the petitioner was sitting. He submits that the plea of the petitioner is wrong that he was not the driver as he was arrested from the driving seat and from the F.I.R., it has been categorically mentioned that Promod Kumar Mahto is the *Chalak* and upon his disclosure, Ganja has been recovered from the back portion of the said Scorpio.

8. From the pleadings of the bail application of the Harendra Kumar i.e. (Petitioner of Cr. Misc. No. 41793 of 2023), it transpires that in seizure list, violation of Section 104 of Cr.P.C. and Section 50 of N.D.P.S. has been made. It has been



specifically pleaded that the petitioner has not been arrested from the vehicle from which the alleged Ganja has been recovered rather he was arrested from the Maruti Swift Desire from which no contraband material has been recovered which is apparent from the F.I.R. as well as from the seizure list. The only recovery made from the petitioner's possession is cash and old smart phone.

9. Learned Counsel for the D.R.I submits that it is true that the said Ganja has not been recovered from the Vehicle in which the petitioner namely Harendra Kumar was sitting rather only mobile and cash has been recovered but he also submits that antecedent of the petitioner is not clean. He has one antecedent which relates to N.D.P.S. only. He is in custody since 30.12.2023.

10. From the pleadings of the bail application of the Ranjeet Mandal i.e. (Petitioner of Cr. Misc. No. 41804 of 2023), it transpires that nothing has been recovered from the vehicle in which he was sitting rather only mobile and cash has been recovered. He also submits that recovery of contraband material has been made from the Scorpio Vehicle. He further submits that antecedent of the petitioner is clean and he is in custody since 30.12.2023.



11. Learned Counsel for the D.R.I. submits that the argument of petitioner of 3rd case is correct upto the extent that no N.D.P.S material has been recovered from his Vehicle and also he possess clean antecedent.

12. Learned APP for the State opposes the prayer for bail.

13. In the light of the submissions made, this Court hereby reaches on the conclusion that N.D.P.S. material has been recovered from the possession of the petitioner namely Pramod Kumar Mahto (Petitioner of Cr. Misc. No. 41727 of 2024), Therefore, the bail application of the Pramod Kumar Mahto is hereby rejected.

14. So far as the other petitioners namely Harendra Kumar i.e. (Petitioner of Cr. Misc. No. 41793 of 2023) and Ranjeet Mandal i.e. (Petitioner of Cr. Misc. No. 41804 of 2023) are concerned, let the petitioners above named be granted bail *after framing of charge, if the charge is not framed* and on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of Learned District and Sessions Judge, Muzaffarpur in connection with D.R.I. Muzaffarpur Case No. 11 of 2023-24 subject to the



condition laid down under Section 437(3) of the Cr.P.C

(Dr. Anshuman, J)

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