

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52020 of 2024

Arising Out of PS. Case No.-12 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Aurangabad

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Bhajan Meher @ Bhajan Mehar S/o Late Purun Meher @ Purna Meher
Village- Po- Behera phalsa Pada PS -Kokasara District- Kalhandi Odisha

... .. Petitioner/s

Versus

1. The Union Of India Through Nareotic Control Bureau, Bihar
2. The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh, Advocate
For the U.O.I. : Mr. Ram Anurag Singh, CGC

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 18-10-2024 Heard Mr. Tej Narayan Singh, learned counsel for

the petitioner and Mr. Ram Anurag Singh, learned Central

Government Counsel for the State.

2. The petitioner seeks bail, who is in custody since
07.02.2023, in connection with NCB Crime Case No. 12/2022,
G.R. No. 16 of 2022 for the offences punishable under Sections
20(b)(ii)(C), 25 and 29 of the N.D.P.S. Act.

3. Earlier the prayer for bail of the petitioner was
rejected by this Court vide order dated 17.08.2023 passed in Cr.
Misc. No. 27013 of 2023. Thereafter, the petitioner has again
moved before this Court in Cr. Misc. No. 23040 of 2024 which
was withdrawn on 20.03.2024 with liberty to the petitioner to
move before the learned Court below.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that it appears from the FIR itself that altogether 127.900 kg of ganja was recovered from the vehicle in question. He further submits that the petitioner has been made accused in the present case on the basis of the confessional statement of the co-accused person, namely, Binay Kumar Pandey, who is the driver of the vehicle in question. The petitioner is rotting in judicial custody since 07.02.2023.

5. Learned counsel for the Union of India has filed a counter affidavit stating therein that it has come during the investigation that the petitioner was in touch with the co-accused, who is driver of the vehicle in question and apart from that confessional statement of the driver suggests that on the instruction of the petitioner he has carried the contraband and apart from that the petitioner carries two more cases other than the present one but fairly submits on the basis of the paragraph no.3 of the bail petition that the petitioner in on bail in the pending matters.



6. Vide order dated 04.09.2024, a report with regard to the present status of the trial was called for. Report of the learned Trial Court dated 11.09.2024 reveals that out of seven charge-sheet witnesses, five witnesses have already been examined.

7. Considering the gravity of the offence in the present FIR, report of the learned trial Court as well as the fact that the petitioner carries two more cases of the similar nature, I am not inclined to enlarge the petitioner on bail in connection with NCB Crime Case No. 12/2022, G.R. No. 16/2022 pending in the Court of learned Special Judge (N.D.P.S.) Cum-I Additional District and Sessions Judge, Aurangabad.

8. Prayer is refused.

9. However, the learned Trial Court is directed to expedite the trial and conclude the same at the earliest.

(Rajesh Kumar Verma, J)

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