

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52260 of 2023

Arising Out of PS. Case No.-25 Year-2021 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Patna

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Dilip Paswan Son of Janeshwar Paswan Resident of Village - Vedbeyash
Mandir Road, P.S. - Vedbyas, District - Sundargarh

... .. Petitioner/s

Versus

1. The Union of India
2. The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Chandrasen Prasad Singh, Adv.
For the NCB	:	Ms. Punam Kumari Singh, Adv.

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

9 07-05-2024 Heard learned counsel for the petitioner and learned
APP for the State as also learned counsel for the N.C.B.

2. The petitioner seeks bail in connection with N.C.B.
Case No. 25 of 2021 arising out of Special Case No. 163 of
2021 instituted for the offences under Sections 8(C)/20b (ii)(c),
25 & 29 of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered
total 540.100 Kg. Ganja from the truck bearing Regd. No.
OD15B-7361. Two persons who were sitting in the truck were
arrested and seizure memo was prepared. It is further alleged
that the alleged truck was being escorted by the petitioner from
a Maruti Alto LX car bearing Regd. No. OR14K-5255 and the



petitioner was also arrested by the police.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He further submits that nothing incriminating has been recovered from the physical/conscious possession of the petitioner or from the alleged Maruti car. The recovery of alleged contraband was made from the truck and the petitioner has no concern with the said truck. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature and has been dragged in this case only on the basis of suspicion. There is violation of the provision of Section 50 of the N.D.P.S. Act. The petitioner has no criminal antecedent as has been stated in Para-3 of the present bail petition but, in the supplementary affidavit, it has been stated that the petitioner has one criminal antecedent in connection with NCB Case No. 25 of 2021. The petitioner is languishing in judicial custody since 03.11.2021 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner stating that the allegation made against the petitioner is serious



and grave as huge amount of Ganja i.e. 540.100 Kg. was recovered and the truck was being escorted by the petitioner from a car. The petitioner in his statement has also accepted his guilt and thus, he does not deserve bail.

6. The N.C.B. has filed counter affidavit stating therein that 540.100 Kg. Ganja has been recovered from the truck and the petitioner is deeply involved in the trafficking of Ganja from Odisha to Bihar. It is also stated that the petitioner was already involved in other NDPS cases and had accused in NCB Ranchi GR. No. 12 of 2021 regarding seizure of 655 Kg. Ganja. It has also been submitted that the contraband is in commercial quantity and so the statutory embargo as contained in Section 37 of the N.D.P.S. Act is applied and thus, bail petition may be rejected on this ground.

7. Having considered the entire facts and circumstances of the case and taking into account the nature of accusation which is serious and the recovery of large quantity of Ganja from a truck which was being escorted by the petitioner as also the statutory embargo as contained in Section 37 of the N.D.P.S. Act, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, the prayer for bail of the petitioner,



above named, is rejected with a direction to the court below
to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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