

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55845 of 2023

Arising Out of PS. Case No.-20 Year-2022 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Patna

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Surendra Yadav @ Surendra Singh @ Surendra Singh Yadav Son Of Mokhan
Singh Yadav Resident Of Village Budhanipur Bhitari, Po Bhitari, Ps Saidpur,
District- Gazipur (U.P.)

... .. Petitioner/s

Versus

The Union Of India Through N.C.B., Patna Branch, Patna Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Majid Mahboob Khan
For the UOI(NCB) : Mrs.Shail Kumari, CGC

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 24-01-2024 Heard learned counsel for the petitioner and learned
counsel for the NCB.

2. The petitioner has prayed for bail in connection
with Special (NDPS) Case No. 50 of 2023 arising out of NCB
Case No. 20 of 2022 instituted for the offence under Sections
20(b)(ii)(c), 25 & 29 of the N.D.P.S. Act.

3. As per complaint case, the petitioner is said to have
been apprehended with a truck bearing registration no. RJ11GA-
5291 from where, total 337 kg of Ganja like contraband
substance was recovered.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and committed no offence. He has falsely
been implicated in this case. The petitioner has no concern with



the alleged recovery of *ganja* like contraband substance or with the truck in question. It is further submitted that the provision of N.D.P.S. Act has not been followed properly. Moreover, the petitioner is languishing in judicial custody since 7.9.2022.

5. Learned counsel appearing on behalf of N.C.B. has opposed the prayer of regular bail and submitted that the petitioner was apprehended on spot with a truck from where, *ganja* like narcotic substance was recovered which is said to be 337 kg and the same is much more than commercial quantity as per the NDPS Act. According to F.S.L. report, sample of seized material tests positive for *ganja*. It is also submitted that witnesses of this case have also supported the prosecution.

6. In pursuance to the direction of this Court, a report dt. 4.1.2024 with regard to present stage of trial has been received by which it appears that the trial is likely to be concluded within six months.

6. Having heard the learned counsel for the parties and considering the fact that the seized *ganja* is more than commercial quantity, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

7. The trial Court is directed to expedite the trial and



conclude the same within stipulated period of time i.e. six(6) months, failing which the petitioner may renew his prayer of bail.

(Sunil Kumar Panwar, J)

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