

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60733 of 2023

Arising Out of PS. Case No.-2 Year-2023 Thana- D.R.I District- Patna

Shrawan Kumar, aged about 28 years, Male Son of Arjun Sah, Resident of
Ward No. 06, Village- Govindpur, P.S.- Rosera, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar

2. The D.R.I. Through Intelligence Officer Regional Unit, Patna Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Thakur, Advocate

Ms. Shubhangi Pandey, Advocate

Mr. Anand Vardhan, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

For the UOI : Mr. Ranvir Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

6 27-02-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner seeks bail in connection with F. No.
DRI/LZU/PRU/718 (ii) ENQ-02/2023 instituted for the offences
punishable under Sections 20(b) (ii) (c), 25 and 29 of the
N.D.P.S. Act.

3. As per the prosecution case, total 248.94 kg of
Ganja has been recovered from a Tata truck.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has
falsely been implicated in this case. Nothing has been recovered
from the conscious possession of the petitioner and petitioner
being the Khalasi of the said truck and no knowledge about the



consignment. Learned counsel for the petitioner further submits that investigation is complete, charge sheet has already been submitted and cognizance has already been taken in this case and matter is still pending for framing of charge. There is no independent eye witnesses of the said incident. He next submits that petitioner is neither the owner of the truck nor the driver but he is the khalasi of the seized truck. The specific information regarding transportation of ganja from Meghalaya to Patna was seized on the way by the Directorate of Revenue Intelligence (DRI), Patna and intercepted a TataTruck bearing Registration No. WB23E-3384 in presence of two independent witnesses. During interrogation persons namely, Rahul Kumar Mahto and Sharwan Kumar have confessed about concealment of ganja. Petitioner has got no criminal antecedent.

5. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for bail and submits that total 248.94 Kg of ganja (valued at Rs. 37,34.100/-) kept in 36 packets has been recovered from the alleged truck in which the petitioner was a khalasi at the time of incident.

6. From perusal of the case diary, seizure list, counter affidavit, other documents produced by both parties and also the impugned order of the learned Sessions Judge/Special



Judge (NDPS), Patna dated 22.06.2023, it appears that total 248.94 kg of ganja has been recovered from a tata Truck in presence of the petitioner, who is the khalasi of the said truck. Thus, on the basis of seizure list and self confessional statement the apprehended accused persons were arrested. Petitioner is in custody since 23.01.2023.

7. Having considered the facts and circumstances of the case and basically considering the factum of recovery of ganja in huge quantity, it is not just and proper to enlarge this petitioner on bail, accordingly I am not inclined to grant bail to the petitioner.

8. Prayer for regular bail of the petitioner is hereby rejected.

9. Learned trial Court is directed to conclude the trial within a period of two years from the date of receipt of a copy of this order.

(Ramesh Chand Malviya, J)

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