

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62660 of 2024

Arising Out of PS. Case No.-110 Year-2024 Thana- DHANAHA District- West Champaran

Pankaj Gupta S/O Sri Firangi Gupta Resident of village- Khalwapatti, P.S-
Dhanaha, District- West Champaran.

The State of Bihar

Versus

... .. Petitioner/s

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Sharad Kumar Verma, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-11-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Dhanaha P.S. Case No. 110 of 2024,
registered for the offence punishable under Sections 8/20(b)(ii)
(C) and 29 of the Narcotics Drugs and Psychotropic Substances
Act, 1985.

3. Allegedly, in course of vehicle checking, a public
bus coming from Patna to Padrauna, bearing Registration No.
BR31PA-5551 was intercepted. In course of search, four
aristocrat trolley bags, claimed to be owned by *Angad Sah, Shiv
Kumari Devi, Pankaj Gupta* (petitioner), *Mamta Kumari* and
Saguni Devi were recovered from the dickey of the bus. The



four trolley bags were marked as A, B, C and D and total 38 Kg *ganja* was recovered. On interrogation, this petitioner disclosed that the *ganja* was belonging to one *Razid Ansari* and *Saheb Ansari* and the accused persons used to get Rs. 10,000/- for each consignment.

4. Learned Advocate for the petitioner referring to the FIR primarily contended that even if the allegation taken to be true, for the sake of argument, it suggest that four aristocrat trolley bags containing different weight of *ganja* was recovered from different persons. The alleged *ganja*, which is said to have been recovered from the aristocrat trolley bag, carrying by the petitioner in the dickey of the bus, admittedly weighing below the commercial quantity and, as such, the rigors provided under Section 37 of the N.D.P.S. Act would not be applicable in this case. It is next contended that the statement of the petitioner was obtained forcefully, though he has no concern with the bag and the other accused persons, who were apprehended at the place of occurrence. Moreover, the alleged aristocrat bag containing *ganja* was recovered from the dickey of the bus and not in conscious possession of the petitioner. It is lastly contended that the petitioner has absolutely fair antecedent and now he has been incarcerated since 31.05.2024.



5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the total 38 Kg *ganja* was recovered and it is the petitioner, who disclosed that from where he got this *ganja*.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that during vehicle checking, four trolley bags were recovered, which were duly claimed by different persons and, as such, even if the allegation taken to be true, the quantity, which is said to have been recovered from the possession of the petitioner is found to be below commercial quantity, coupled with the fair antecedent of the petitioner and the investigation being complete, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, under NDPS Act, West Champaran at Bettiah in connection with Dhanaha P.S. Case No. 110 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.



(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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