

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66725 of 2023**

Arising Out of PS. Case No.-4 Year-2023 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Begusarai

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Niraj Kumar Son Of Late Likho Yadav Resident of Village- Khutia W. No-13,
Ps- Mansi Distt- Khagaria

... .. Petitioner/s

Versus

The Union Of India Through Ncb Intelligence Officer Pzu Patna Patna Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate
For the Opposite Party/s : Mr. Ram Anurag Singh (CGC)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 29-02-2024 Heard learned counsel for the petitioner and learned
Counsel for Union of India.

2. The petitioner seeks regular bail in connection with
N.D.P.S. Case No.10 of 2023, arising out of NCB Case No.4 of
2023, lodged under Sections 8(C)/21(C)/29 of the N.D.P.S. Act.

3. The prosecution case is that the petitioner along
with one Chandan Kumar have been apprehended by the
officials of Narcotic Control Bureau and from their possession
recovery of 275 grams of heroin has been the subject matter of
the present case.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. Counsel submits that the said recovery has been made from Chandan Kumar and not from the petitioner. He is only said to be the associate of Chandan Kumar. The antecedent of the petitioner is clean. He is in custody since 23.02.2023. Counsel submits that counter affidavit has been filed by the Union of India. In the counter affidavit, it has been stated that both were in conversation and Niraj Kumar was assisting co-accused Chandan Kumar. Counsel submits that antecedent of the petitioner is clean, therefore, a sympathetic view may be taken and he be granted bail.

5. Learned counsel for the Union of India, on the other hand, vehemently opposes the prayer for bail and submits that the quantity of heroin is commercial quantity. Counsel submits that it is the stand of the NCB that the bag from which the heroin has been recovered were in use of both the accused persons. It has already been mentioned in the seizure-list also. Counsel submits that vide Annexure-R-3, it is crystal clear that both Chandan and Niraj use common room in Hotel Shine and as such this crime has been committed jointly by them.

6. In this background, this Court is not inclined to grant bail to the petitioner. Hence, the prayer for bail of the



petitioner is hereby rejected. The trial Court is directed to expedite the trial.

(Dr. Anshuman, J)

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