

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67148 of 2023

Arising Out of PS. Case No.-11 Year-2022 Thana- D.R.I District- Muzaffarpur

MITHILESH KUMAR RAY son of Umesh Yadav Village- Bhuapur Ps-
Pandarakh Dist- Patna

Petitioner/s

Versus

The union of India through the DRI Muzaffarpur Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. P. N. Shahi, Senior Advocate
Mr. Ashok Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Ranvir Kumar, Sr. Standing Counsel, DRI

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

6 20-02-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with DRI Case No.11/2022-2023 registered for the offence under Sections 8(c)/20/25/29 of the NDPS Act.

3. As per F.I.R., there is total recovery of 112 K.Gs. of contraband like Ganja from Truck bearing Registration No.WB05 6057 near Maniyari toll Plaza.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner has falsely been implicated in the present case. It is submitted that petitioner is a



driver of the alleged truck, where, he has no knowledge about the illegal consignment of the contraband like Ganja. It is submitted that alleged recovery of Ganja was not made from conscious physical possession of the petitioner and he has no concern with the alleged recovery of illicit liquor. It is also submitted that there is violation of Section 50 of the N.D.P.S. Act. It is further submitted that the petitioner is a man of clean antecedent and he is in custody since 23.01.2022.

5. Learned counsel appearing for the DRI, opposes the prayer for bail of the petitioner and submitted that the recovered article was examined and the test report of the Chemical Laboratory has been received vide Lab No.1799-1800/SZD(N) dated 08.02.2023, which finds as Each of two samples is in the form of fruity and flowering tops along with cut pieces of twigs and seeds and found its answer in positive test for Ganja. It is further submitted that the recovery of alleged Ganja was much more than commercial quantity.

6. In view of the allegation and as recovery of contraband like Ganja was made from truck, which was much more than commercial quantity, this Court is not inclined to grant bail to the petitioner, at present.

7. Accordingly, the prayer of bail of the



petitioner is rejected herewith.

8. However, trial is directed to expedite the trial.

(Ramesh Chand Malviya, J)

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