

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75081 of 2024

Arising Out of PS. Case No.-17 Year-2019 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Patna

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Raushan Kumar @ Raushan Singh Son of Lalan Singh, R/O Village- Jaitpur,
P.S.- Barahiya, District- Lakhisarai.

... .. Petitioner

Versus

The Union of India through N.C.B., Patna.

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. N.K. Agarwal, Sr. Advocate
For the UoI : Ms. Poonam Singh, CGC

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 06-12-2024 Heard Mr. N.K. Agarwal, the learned senior counsel

for the petitioner and Ms. Poonam Singh, the learned Additional

Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since

08.12.2022, in connection with Special (NDPS) Case No. 102 of

2019 (Supplementary), arising out of F. No. NCB/PZU/V/17/2019,

registered for the offences punishable under Sections 8(C)/20(b)

(ii)(C)/29 of the N.D.P.S. Act.

3. According to the prosecution case, on the basis of

confidential information, a team was constituted at NCB and the

said team intercepted an oil tanker truck bearing reg. no. NL 01

AC 1527 at Bata Mor, Hathidah, Patna on 23.08.2019. It is further

alleged that upon the search of the said oil tanker truck, 750

kilograms of *ganja* was recovered.

4. Learned senior counsel for the petitioner submits that



petitioner has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that from perusal of the FIR, it appears that nothing has been recovered from the conscious possession of the petitioner, rather the recovery has been made from the truck in question and petitioner has been made accused in the present case on the basis of confessional statement of the apprehended co-accused persons namely, Gautam Kumar and Vicky Kumar and except the aforesaid no other cogent material has come during investigation which suggests the involvement of the petitioner in the present occurrence. He lastly submits that there is non-compliance of Sections 47 and 50 of the N.D.P.S. Act.

5. The learned counsel appearing on behalf of Union of India on the other hand on the basis of materials available on record and instruction has vehemently opposed the prayer for bail of the petitioner and submits that altogether 750 kilograms of *ganja* has been recovered from the vehicle in question and it has come during investigation that the petitioner is mastermind of the present occurrence and he was in regular touch with the co-accused persons. She further submits that petitioner has also been detained under the PITNDPS Act and the same was confirmed by the Advisory Board, Hon'ble Patna High Court. Apart from that, more than Rs. 85,00,000/- (rupees eighty-five lakhs only) has been



frozen and the same was confirmed by the SAFEMA, Kolkata *vide* order dated 19.09.2023. She further submits that petitioner carries eleven cases other than the present and out of eleven cases, six cases pertain to NDPS matter. She lastly submits that recovered quantity of the said contraband is more than the commercial quantity, hence, there is embargo under Section 37 of the NDPS Act and call details of the petitioner also confirms that he was in regular touch with the other co-accused persons.

6. Considering the aforesaid facts and circumstances and mainly the fact that petitioner is habitual offender with respect to NDPS matter and the authority has imposed upon him detention order under PITNDPS Act, which was confirmed by the Advisory Board, Hon'ble Patna High Court, I am **not** inclined to enlarge the petitioner on bail in connection with Special (NDPS) Case No. 102 of 2019 (Supplementary), arising out of F. No. NCB/PZU/V/17/2019, pending in the Court of learned Court of Exclusive Special (NDPS Act).

7. Prayer is refused.

(Rajesh Kumar Verma, J)

Shahnawaz/-

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