

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78288 of 2023

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

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Chandan Kumar Son of Shankar Yadav R/o vill - Mansi Khutiya, ward no. 12,
P.S. - Mansi, Distt. - Khagaria

... .. Petitioner/s

Versus

The Intelligence Officer, N.C.B. (Narcotics Control Bureau), Patna Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Vindhya Keshri Kumar, Sr. Advocate Mr. Rajesh Kumar Pandey, Advocate Mr. Ved Prakash Chandan, Advocate
For the UoI	:	Mr. Ram Anurag Singh, CGC

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 19-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
NDPS Case No. 10/2023 (arising out of NCB Case No. 4/2023),
lodged on 22.02.2023 under Sections 8(c), 21(c) 29 of the
NDPS Act.

3. As per the prosecution case, the FIR has been
lodged against two named accused persons from whose
possession 275 grams of heroin has been recovered which is the
subject matter of the present case.

4. Learned Sr. Counsel for the petitioner submits that
the petitioner is innocent and has committed no offence. From
the content of the FIR, it is clear that there are two different



accused persons and the recovery of alleged heroin has been made from a bag but it is not clear that this bag belongs to which person. He further submits that even if there is doubt in criminal cases then the benefit of the doubt shall always come in favour of the accused persons. He further submits that the petitioner is accused in two more criminal cases, but in those cases, he has been granted bail and he is in custody since 23.02.2023. Counsel further submits that the seizure is the basic defense of the petitioner whereas it has been mentioned that the said recovery has been made in a black bag. There is nothing on record by which it has been identified that this bag belongs to which one of the accused.

5. Learned counsel for the Union of India opposes the prayer for bail and submits that the seizure list on which the petitioner is relying is the answer of his query as in the said bag, the clothes of both the accused persons have been found along with heroin whose quantity is commercial. In the seizure memo, it has been acknowledged that the said bag belongs to the present petitioner. Counsel further submits that the bail application of the other co-accused has been rejected by this Court vide order dated 29.02.2024 passed in Criminal No. 66725 of 2023. In the said rejection order, it has been observed



by this Court that this bag belongs to Chandan Kumar (present petitioner) and Niraj Kumar and both use common room in Hotel Shine and as such this crime has been committed jointly by them.

7. In the present facts and circumstances, I am not inclined to grant regular bail to the petitioner.

8. Accordingly, the prayer for regular bail of the petitioner in connection with NDPS Case No. 10/2023 (arising out of NCB Case No. 4/2023), pending before the learned District and Sessions Judge-cum-Special Judge, Begusarai is hereby rejected.

(Dr. Anshuman, J)

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