

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.907 of 2024

Arising Out of PS. Case No.-13 Year-2021 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Begusarai

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Raj Kumar Yadav s/o Jugeshwar Rai@ Yogeshwar Yadav, R/O Village-
Jagdishpur, P.O. and P.S. Raghopur, Dist. Vaishali.

... .. Petitioner/s

Versus

The Union of India through the Director Narcotics Control Bureau, Bihar,
Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Raj Kumar Sinha, Advocate
For the UoI	:	Mr. Awadhesh Kumar Pandey, Sr. CGC Mr. Arvind Kumar, CGC

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 20-03-2024 Heard Mr. Raj Kumar Sinha, the learned counsel

for the petitioner and Mr. Awadhesh Kumar Pandey, the learned

senior Central Government Counsel appearing on behalf the

Union of India.

2. Petitioner seeks regular bail who is in custody since

05.06.2021 in connection with NDPS Case No. 14 of 2021,

arising out of NCB Case No. 13 of 2021, registered for the

offences punishable under Sections 20(b)(ii)(c), 25 and 29 of the

NDPS Act.

3. Earlier the petitioner has moved before this Court

for grant of regular bail which was rejected vide order dated

31.08.2022 passed in Cr. Misc. No. 36374 of 2022.



4. According to prosecution case, the informant upon receiving secret information that huge quantity of *ganja* is being transported in an oil tanker, constituted a team and seized the vehicle in question from zero mile. It is further alleged that 1223.7 kg of *ganja* was recovered from the vehicle in question.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and nothing has been recovered from the conscious possession of the petitioner, in fact, the recovery has been made from the oil tanker in question, although the petitioner is the driver of the oil tanker.

6. The learned counsel appearing on behalf of the Union of India on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that from perusal of the seizure list, it appears that the vehicle was assembled in four parts and 1223.7 kg of *ganja*, which was kept in 114 packets, was recovered from two parts of the vehicle and the petitioner and co-accused person namely, Kallu Sahni were arrested along with the aforesaid contraband.

7. Vide order dated 01.03.2024, a report was called for with regard to the stage of trial and the report of learned trial Court dated 05.03.2024 reveals that out of six named witnesses,



two witnesses have already been examined, cross-examined and discharged and the present case is pending for the examination of the rest of the prosecution witnesses.

8. Considering the aforesaid facts and circumstances and the fact that recovery has been made from the oil tanker in question and the petitioner was the driver of the said oil tanker and altogether 1223.7 kg of *ganja* has been recovered from the said oil tanker and the chemical examination from CRCL, Kolkata, vide Lab No. 113-115/SZD (N) dated 08.06.2021 has confirmed the seized sample contents as *ganja*.

9. The grant of bail in NDPS cases where the recovery of commercial quantity of narcotics is alleged is circumscribed under NDPS Act, Section 37, which says that:

“before the grant of bail, the Court must have reason to believe that petitioner has not committed the offence and in the event of release he would not commit similar offence.”

10. The issue was considered by the Hon’ble Supreme Court in the case of ***State of Kerala & Ors. Vs. Rajesh & Ors.***, reported in ***2020(12) SCC 122*** as well as in the case of ***Narcotic Control Bureau Vs. Mohit Aggrawal*** in Cr. Appeal Nos. 1001-1002 of 2022, arising out of ***Special Leave to Appeal (CRL.) No. 6128-29 of 2021***.



11. Accordingly, I am **not** inclined to enlarge the petitioner on bail in connection with NDPS Case No. 14 of 2021, arising out of NCB Case No. 13 of 2021, pending in the Court of learned Additional Sessions Judge-I, Begusarai.

12. Prayer is refused.

(Rajesh Kumar Verma, J)

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