

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16330 of 2025

Arising Out of PS. Case No.-32 Year-2023 Thana- D.R.I District- Patna

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Hari Nandan Kumar Son of Late Yogendra Paswan Khalasi of the Said Truck,
Resident of Village- PO- Kanti, Kasba, P.S.- Kanti, Distt.- Muzaffarpur
(Bihar)

... .. Petitioner/s

Versus

The Union of India through (D.R.I.) Patna, Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
Mr. Mahesh Kumar, Advocate
Ms. Nazia Shabab, Advocate

For the Opposite Party/s : Mr. Ram Krishna, Sr. SC for DRI

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 27-06-2025 Heard learned Senior counsel Mr. Yogesh Chandra Verma for the petitioner and the learned Sr. SC for the Union of India through Directorate of Revenue Intelligence.

2. The petitioner seeks bail in a case registered for the offence punishable under Sections 20(b)(ii)(c), 25 and 29 of the N.D.P.S Act.



3. As per the FIR, upon a secret information, the officers of the Directorate of Revenue Intelligence intercepted a container truck bearing Registration No. BR-06GD-5678 on 18.03.2023 near Saraswati Hotel International, Darbhanga More, Muzaffarpur Bypass, Muzaffarpur which was driven by Rahul Kumar, Hari Nandan Kumar (petitioner) as co-driver and Vikash Kumar. In course of search, in presence of two independent witnesses a total of 50.040 Kgs Ganja kept in 62 packets was recovered from the said container truck which comes under purview of commercial quantity. Accordingly, search-cum-seizure was prepared and the present case has been registered against all the accused persons.

4. It has been submitted by the learned counsel for the petitioner that the petitioner is innocent and has not committed any offence. Learned counsel has further submitted that the petitioner has falsely been implicated in this case and nothing incriminating has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner has also submitted that the petitioner was threatened to make involuntary statement by the DRI and the alleged documents recovered from the possession of the petitioner shows that the petitioner is not involved in the said occurrence. Learned counsel has next



submitted that the petitioner is a khalasi and had no knowledge of the aforesaid seized Ganja and even taking the confessional statement into account he is neither the owner of the seized Ganja nor has any concern with the same. It has lastly been submitted that petitioner has no criminal antecedent and is in judicial custody since 20.03.2024.

5. The learned Sr. SC for the DRI vehemently opposed the prayer for bail of the petitioner and has submitted that 50.040 Kgs of Ganja in 62 packets was recovered from the said TATA truck bearing Registration No. BR-06GD-5678 which was intercepted by DRI officials. The said truck was intercepted with three persons namely, Rahul Kumar, Hari Nandan Kumar (the petitioner) and Vikash Kumar. It has further been submitted that the petitioner was caught red handed while transportation/carriage of 62 packets of Ganja weighing 50.040 Kgs by concealing the same among the loaded consignment of Fena Detergent Powder and as such, he is not entitled to be released on bail and if the petitioner is released on bail then there is every possibility that the petitioner will not be available for trial.

8. Considering the aforesaid facts and circumstances of the case especially that the seized Ganja was being smuggled



by other accused persons and petitioner was only made an escapegoat as he merely was a Khalasi of the said TATA truck and the petitioner having no criminal antecedent under the N.D.P.S Act, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending /concerned court, in connection with Special Case (NDPS) No. 199 of 2023 subject to the conditions that

a. One of the bailors of the petitioner shall be his close relative.

b. The petitioner shall remain physically present in Court on each date of the trial.

c In case of absence on two consecutive dates, or in violation of the terms of the bail and if the prosecution is found involvement of the petitioner in similar nature of offence, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

d And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-



mentioned order shall not be delayed for purpose of
or in the name of verification.

8. It is made clear that the observations, if any,
made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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