

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40853 of 2024

Arising Out of PS. Case No.-7 Year-2023 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Supaul

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Mohan Jamatiya Son of Late Chandra Sadan Jamatiya Resident of Village-
Khemarbari, P.O- Hadrai, P.S- Teliya Morea, District- Khobai (Tripura).

... .. Petitioner/s

Versus

The Union of India through Intelligence Officer, Narcotics Control Bureau,
Patna Zonal Unit, Patna. Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Pandey, Adv
For the U.O.I	:	Mr. Awdhesh Kumar Pandey
		Mr. Arvind Kumar

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 10-01-2025 Heard the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with N.D.P.S. Case No. 23 of 2023, arising out of N.C.B. Case No. 07 of 2023 dated 26.03.2023 registered for the offences punishable under Sections 8 (C), 20 (B)ii (c), 25 and 29 of the N.D.P.S. Act.

3. As per the prosecution case, the informant got confidential information on 25.03.2023 at about 9.30 A.M., that one Manoj Rai will proceed from Tejpur (Assam) with Truck bearing Registration No. BR30GA 6402 having a huge quantity of Ganja and he will be reached on 26.03.2023 at Jai Shiv Line Hotel, Piprakhurd, Supaul at 8.00-10 A.M. via- New Jalpaigudi Kishanganj-Araria. The receiver of the said Ganja is the co-



accused Gulab Singh @ Kari Baba and who belongs to Supaul and he would go to Saharsa with the said Truck from the said hotel. It is further alleged that on that basis, he constituted a raiding team and went to the place of occurrence on 26.03.2023 at 8.30 A.M. and on the request of the said raiding party, two persons, namely, Amodhi Mandal and Ranjan Kumar were made seizure list witnesses and as soon as the said raiding party parked their vehicles near the hotel, two persons who were taking rest, one of them, after seeing the N.C.B. vehicles, tried to flee away towards his vehicle (white Honda City Car) but the said raiding party caught him and who disclosed his name as Mohan Jamatia (petitioner) and other person disclosed his name as Gyani Jamatia. It is further alleged that Mohan Jamatia (petitioner) has also disclosed that they were waiting for one Gulab Singh @ Kari Baba so the N.C.B. team searched the said Honda City Car bearing Registration No. ASO1BK 8200 and recovered 14.7 k.gs., of ganja from the said Honda City car. It is further alleged that in the meantime, one Truck bearing Registration No. BR30GA 6402 entered the Hotel and due to suspicion, N.C.B. team became conscious and caught one person who got down from the said Truck who disclosed his name as the co-accused Manoj Rai and on search, 259 kgs., of



Ganja was recovered from the said Truck. It is further alleged that the process of seizure was going on, in the meantime, a call was received on the mobile of the co-accused Manoj Rai bearing Mobile No. 6200427770 from the Mobile No. 9233477082 and on query, the co-accused Manoj Rai said that the receiver of the said Ganja is one Gulab Singh @ Kari Babu and on call, he said that Gulab Singh @ Kari Baba is calling and he would reach within 10-15 minutes in Jai Shiv Line Hotel, Piprakhurd and this process was going on 26.03.2023 at about 6.00 P.M. Thereafter, the N.C.B. team was waiting for Gulab Singh @ Kari Baba. It is further alleged that after half an hour, two persons also came on a Renault Car bearing Registration No. BR01FR 1534 in the campus of Jai Shiv Line Hotel and on query, they disclosed their names as Gulab Singh @ Kari Singh and Aashish Kumar and on search, Form No. 22, Insurance Certificate, Tax Invoice, Service Repair Slip and Money Receipts were recovered from the said Renault Car bearing Registration No. BR01FR 1534.

4. Learned senior counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. The name of the petitioner has transpired merely on the basis of being a driver of the said



seized vehicle (Honda City Car bearing Registration No. AS01BK-8200) from which the 14.07 kg of *ganja* has been recovered. No incriminating article has been recovered from his possession of the petitioner. The petitioner has no concern either with the vehicles or with the alleged recovered Ganja. It is further submitted that the said seized contraband is less than the commercial quantity. Similarly situated co-accused has already been granted bail by this Court vide order dated 13.08.2024 passed in Cr. Misc. No. 19692 of 2024. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. The petitioner is in custody in this case since 27.03.2023.

5. Learned A.P.P. for the State and learned counsel for the Union of India have vehemently opposed the bail petition of the petitioner by submitting that the petitioner is the driver of the said vehicle from which the 14.07 ganja was recovered.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation and the period of custody, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-III, Supaul in connection with N.D.P.S. Case No. 23 of 2023, arising out of N.C.B. Case No. 07 of 2023, with



condition:-

(i) One of the bailors shall be a close relative of the petitioner who shall give genealogy as to how he is related to the petitioner.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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