

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58528 of 2024

Arising Out of PS. Case No.-17 Year-2021 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Begusarai

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1. Harivansh Ray @ Harbansh Ray S/O Late Mahtab Ray Resident Of Vill-Jafrabad Tok, Ward No-01, P. S.- Raghapur, Dist-Vaishali. At Present Resident Of Vill- Didarganj, P.S.- Didarganj, Dist-Patna.
 2. Mukesh Rai @ Mukesh Kumar S/O Jimdar Ray @ Jimadar Ray Resident Of Vill-Jafrabad Tok, Ward No-01, P. S.- Raghapur, Dist-Vaishali.
 3. Suresh Ray S/O Ram Vilash Ray Resident Of Vill -Noorpur, P. S.- Malsalami, Dist-Patna .

... .. Petitioners

Versus

Narcotics Control Bureau, D and E Block, 4th Floor, Karpoori Thakur Sadan,
CGO Complex, Rajiv Nagar, Patna- 25, Bihar.

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Rajesh Kumar Singh, Sr. Advocate Mr. Jayram Prasad, Advocate Mr. Deepak Kumar, Advocate
For the NCB (UoI)	:	Mr. Arvind Kumar, CGC Mr. Lokesh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

9 17-01-2025 Heard Mr. Rajesh Kumar Singh, the learned senior

counsel for the petitioners assisted by Mr. Jayram Prasad and

Mr. Arvind Kumar, the learned Central Government's Counsel

appearing on behalf of the NCB (UoI).

2. Petitioners seek regular bail and petitioner nos. 1

and 2 are in custody since 02.04.2024 and petitioner no. 3 is in

custody since 30.04.2024, in connection with NDPS Case No.

22A of 2021, arising out of NCB Case No. 17 of 2021,

registered for the offences punishable under Sections 8(c), 20(B)



(ii)(C), 25 and 29 of the NDPS Act.

3. According to the prosecution case, the NCB team acting on the confidential information reached at Murli Toll Plaza and stopped the truck in question and after search, 200.5 kg of ganja was recovered from the said truck.

4. Learned senior counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. He further submits that as per prosecution story, two co-accused persons namely, Dinesh Ray and Rishu Kumar were arrested with one truck from which a total of 200.5 kg of *ganja* was recovered and petitioners were not apprehended along with the recovered contraband and name of petitioners transpired in the present case during the course of investigation on the basis of disclosure made by the co-accused person namely, Dinesh Ray before the NCB team, and on that basis petitioners have been implicated in the present case. He further submits that the present case was instituted on 29.07.2021 and suddenly in the year 2024, the police arrived at the house of the petitioners in connection with the present case and it is evident from the FIR itself that recovery has been made



from the truck in question and petitioners are not the owner of the truck in question. He further submits that the co-accused person namely, Nagendra Rai has been granted bail *vide* order dated 13.10.2023 passed in Cr. Misc. No. 52330 of 2023 and except the confessional statement of the apprehended co-accused person, no other cogent material has come during investigation which suggests the involvement of the petitioners in the present occurrence. He lastly submits that the police after investigation has submitted the charge sheet against the petitioners and petitioners nos. 1 and 2 are in custody since 02.04.2024 and petitioner no. 3 is in custody since 30.04.2024.

5. The learned counsel appearing on behalf of NCB on the other hand has vehemently opposed the prayer for bail of the petitioners and states on the basis of a filed detailed counter-affidavit that the co-accused Nagendra Rai tendered his voluntary statement under Section 67 of the NDPS Act and it has come during investigation that petitioners were in regular touch with the co-accused Nagendra Rai and other co-accused persons and on analyzing the CAF and CDR records, it appears that petitioners were also connected with each other through mobile. Apart from that, the FSL report also confirms that the recovered contraband is *ganja*.



6. Vide order dated 29.11.2024, a report was called for with regard to the stage of the trial and report dated 13.12.2024 of the learned trial Court reveals that although charge has been framed against these petitioners, but the prosecution has not examined any witnesses as yet.

7. Considering the aforesaid facts and circumstances and mainly the facts that petitioners have clean antecedent, nothing has been recovered from the conscious possession of the petitioners as well as the report of the learned trial Court, let the petitioners, above-named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty-five thousand only) each with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Begusarai, in connection with **NDPS Case No. 22A of 2021, arising out of NCB Case No. 17 of 2021**, subject to the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioners tamper with the evidence or



the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioners. 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.

(Rajesh Kumar Verma, J)

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