

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66908 of 2021

Arising Out of PS. Case No.-14 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Suman Kumar Rana Son of Bhikhari Rana Resident of Village- Tetariya, P.O.-
Patathalgada, P.S.- Pathalgada, District- Chatra, Jharkhand.

... .. Petitioner/s

Versus

Union of India through N.C.B., Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh, Adv.

Mr. Ajay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Rakesh Kumar Sinha, CGC

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

36 24-01-2025 Heard learned counsel for the petitioner and learned
APP for the N.C.B.

2. The petitioner seeks bail in connection with NDPS
Case No. 43 of 2020 arising out of NCB Case No. 14 of 2020
instituted for the offences under Sections 8(C)/18/25 and 29 of
the N.D.P.S. Act.

3. As per prosecution case, the police, on receipt of
secret information, intercepted two cars and, on search, there is
recovery of 15 Kg of opium in 16 packets.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
The petitioner is neither named in the F.I.R. nor any allegation
has been leveled against him. The name of the petitioner has



transpired in this case on the basis of the confessional statement of the co-accused Vijay Singh recorded before the NCB on 02.11.2020. There is violation of mandatory requirement of Section 42 of the NDPS Act which makes the entire prosecution highly doubtful. There is also violation of Section 50 of the N.D.P.S. Act which makes the prosecution case untrustworthy. The petitioner has no concern either with the seized contraband or with the persons caught with the same. The petitioner has also no concern with the other co-accused persons. Except confessional statement of the co-accused Vijay Singh, there is nothing against the petitioner. Learned counsel for the petitioner further submits that co-accused Vijay Singh, on whose confessional statement the name of the petitioner has transpired in this case, has already been released on bail vide order dated 03.12.2024 passed in SLP (Criminal) Diary No. 43071 of 2024. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner which connects him with the present case. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner has no concern with the seized liquor. There is non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has two criminal antecedents of similar



nature of offences and, in both of them, he is on bail. The NCB arrested the petitioner from his house on 08.01.2021 and was remanded in judicial custody on 09.01.2021 and, since then, he is in custody without any rhymes or reason. Learned counsel for the petitioner further submits that co-accused Anurag Kumar @ Anil Dangi has already granted bail by a Co-ordinate Bench of this Court dated 09.03.2022 passed in Cr. Misc. No. 54199 of 2021. Co-accused Rahul Kumar Ojha has also been granted bail by a Co-ordinate Bench of this Court vide order dated 29.06.2022 passed in Cr. Misc. No. 54154 of 2023.

5. On the other hand, learned counsel for the N.C.B. vehemently opposed the prayer for grant of bail to the petitioner, submitting that 15 Kg opium were allegedly recovered from the two vehicles during the course of same transaction as per report of the Informant which is more than commercial quantity. The quantity of recovered contraband is above the commercial quantity and, hence, there is bar under Section 37 of the N.D.P.S. Act. Learned counsel for the N.C.B. further submits that the prayer for bail of the co-accused Vijay Singh has been rejected by this Court itself vide order dated 07.05.2024 passed in Cr. Misc. No. 20939 of 2024.

6. In compliance to the order of this Court, the learned court below has sent the status report contained in Letter No.



1021 dated 24.12.2024, stating therein that out of 13 prosecution witnesses, two witnesses have been examined and 11 prosecution witnesses are yet to be examined. It is also stated that minimum nine months time is required to conclude the trial.

7. Having heard rival contention of both the parties and considering the nature and gravity of the offence as also the recovery of contraband being more than commercial quantity, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously preferably within a period of nine months as stated in the aforesaid report of the learned court below.

9. If the trial is not concluded within the aforesaid period of nine months from today, the petitioner will be at liberty to renew his prayer for bail before the court below and the same will be disposed of on merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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