

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63863 of 2024

Arising Out of PS. Case No.-15 Year-2023 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Aurangabad

Ranjit Kumar Son of Sadhu yadav Resident of Vijwanpar, Bela Dariya, P.S. -
Deep Nagar, District – Nalanda. Petitioner/s

Versus

Union of India through Narcotic Control Bureau, Patna... ... Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Abhishek, Advocate Mr. Amresh Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr.Dr. K.N. Singh (Asg)
For the NCB	:	Mr. Rakesh Kumar, CGC

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

14 11-08-2025 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the NCB.

2. The petitioner seeks bail in connection with Aurangabad NCB Crime No. 15/2023 registered for the offence under Sections 8(C), 20(b)(ii)(C), 25 and 29 of NDPS Act, 1985.

3. The accused/petitioner is named in the F.I.R. and is in custody since 12.12.2023.

4. As per FIR, there is recovery of 214 Kg of Ganja from the possession of this petitioner.

5. Learned Counsel appearing on behalf of the petitioner submitted that the petitioner was the driver and nothing transpired during the course of investigation, which may suggest that he was under knowledge to carrying consignment of contraband and, therefore, the recovery as alleged cannot be said to be made from



the conscious possession of this petitioner. It is submitted that this factual aspects also suggest that petitioner was not under culpable mental state and, therefore, the import of Section 37 of NDPS Act in present case appears unwarranted. While concluding argument, it is submitted that the investigation of this case completed long back and, as such, there is no chances of tampering with the evidence and, moreover, the petitioner remains in custody for more than one year eight months and as trial is not likely to conclude in near future, therefore, on this score also the petitioner deserves bail.

6. Learned Central Government Counsel (CGC), Union of India/NCB Mr. Rakesh Kumar, while opposing the prayer of bail submitted that considering all such aspects, the prayer of bail of the helper of the vehicle in issue was rejected by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 66189 of 2024 dated 03.10.2024. It is submitted that the petitioner was the driver and considering the huge quantity of contraband, it cannot be said consignment was not in his knowledge as to mitigate the provisions of Section 35 of the NDPS Act. It is submitted that in view of huge recovery much beyond prescribed commercial quantity of 20 Kg, bail of petitioner cannot be granted in view of Section 37 of NDPS Act.



7. In view of the aforesaid factual submissions and by taking note of fact as there is recovery of huge quantity of contraband/ganja i.e. about 214 Kg much more than commercial quantity from the vehicle, where petitioner was the driver, accordingly, the prayer of bail of the petitioner stands rejected herewith for the present.

8. As the petitioner is in custody since 12.12.2023, accordingly, learned trial court is directed to conclude the trial preferably within nine months from the date of receipt of this order. Failing which petitioner may renew his prayer of bail, if so advised.

(Chandra Shekhar Jha, J)

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