

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 69302 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- East Champaran

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Triloki Kumar Son of Faguni Sahani Village- Mehawa, P.S.- Sugauli, District-
East Champaran Petitioner/s

Versus

- 1. The State of Bihar Patna
- 2. Subhash Kumar Yadav S/O-Late Beaully Nath Yadav,R/O- Vill- Sakrauli PS-
Gobardhana Dist-West Champaran

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 72517 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- East Champaran

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Mannu Thakur Son of Madan Thakur Resident of Village- Pakadiya, Ward
No. 11, P.O. and P.S. Harsidhi, District -East Champaran

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 74952 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- East Champaran

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Sipahi Sharma Son of Rajaram Thakur Resident of Village- Jai Singhpur, Tola
Gharbari, P.S.- Turkauliya, District- East Champaran

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

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Appearance :
(In CRIMINAL MISCELLANEOUS No. 69302 of 2024)
For the Petitioner/s : Mr. Dhannjay Kumar II, Advocate
For the Opposite Party/s : Mr.Awadhesh Kumar Pandey, S. CGC
Mr. Arvind Kumar, CGC
Md. Arif, Advocate



(In CRIMINAL MISCELLANEOUS No. 72517 of 2024)

For the Petitioner/s : Mr. Jai Vardhan Narayan, Advocate
For the UOI : Mr. Awadhesh Kumar Pandey, Sr. CGC

(In CRIMINAL MISCELLANEOUS No. 74952 of 2024)

For the Petitioner/s : Mr. Jai Vardhan Narayan, Advocate
For the UOI : Mrs. Shail Kumar, CGC

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

7 16-07-2025 Heard learned counsel for the petitioners and learned
counsel for the NCB.

2. The petitioners seek bail in a case registered for the
alleged offences under Sections 20(b)(ii)(C), 23, 25 and 29 of
the N.D.P.S. Act.

3. As per the prosecution case, it is alleged by the
informant that on 08/09-02-2024 SSB Raxaul had seized
206.400 kg of a brownish-colored dried leafy substance
believed to be Ganja from a Mahindra Bolero pickup bearing its
Nepali registration number 04 8072 and arrested one person,
namely, Jahigir Dewan. The case was handed over to the
Narcotic Control Bureau, Patna, on 09-02-2024. It is further
alleged that during the recording of statement u/s 67 of the
N.D.P.S. Act of Jahigir Dewan, it came to light that the seized
206.400 Kgs of Ganja was to be delivered to one person,
namely Vijay Yadav. It is further alleged that the statement of
Vijay Yadav was recorded by the I.O. of the case wherein he
confessed that he was the receiver of the seized narcotic



substance.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case without proper investigation by the investigation agency. Learned counsel has further submitted that the police have not followed the mandatory provisions of the N.D.P.S. Act. The petitioners are not named in the F.I.R., and nothing has been recovered from their conscious possession. The petitioner, Triloki Kumar, was caught and implicated in this case only because he was the former owner of the vehicle. He had purchased the vehicle in an auction of the Excise Department of the Bihar Government in the year 2022. Later on he had sold the vehicle to Subhash Kumar Yadav. After this he has no concern with the said vehicle. The informant has not disclosed whether the packed material was sent to the Forensic Science Laboratory or not. The F.S.L Report has not come but the informant has declared the seized substance as Ganja. The apprehended accused, Jahgiri Dewan has not disclosed the name of the petitioners. He has alleged nothing against them, he has disclosed only the name of Vijay Kumar Yadav. Learned counsel has next submitted that so far as the allegations against the petitioners Mannu Thakur and Sipahi Sharma are concerned,



their names surfaced in the confessional statement of petitioner Triloki Kumar, in which he had only stated against them that they made a cavity inside the vehicle for the transportation of Ganja from Nepal to Bihar and except the same, nothing has been alleged against both the petitioners. Learned counsel has lastly submitted that the petitioners have clean antecedents and have been in judicial custody since 14.07.2024.

5. The learned counsel for the N.C.B., has opposed the prayer for bail of the petitioners and has submitted that original Registration Number of the seized vehicle is BR 06GA 3658, which was purchased by accused Triloki Kumar in auction sale made by the Excise Department in the month of March, 2021 and as per statement of Triloki Kumar recorded U/S 67 of N.D.P.S. Act, Triloki Kumar sold the said vehicle to one Subhash Kumar Yadav with the help of petitioners Mannu Thakur and Sipahi Sharma and both these two petitioners made cavity inside the vehicle for transportation of Ganja from Nepal to Bihar and during the investigation Subhash Kumar Yadav is found to be a fake person and investigation against these three petitioners is still continuing.

6. Considering the aforesaid facts and circumstances of the case and keeping in view the recovery of a huge quantity of



the narcotic substance, which was carried on the vehicle after changing its registration number and the vehicle was purchased by the accused, Triloki Kumar, and allegedly it was sold to another person, namely, Subhash Kumar Yadav and during the course of the investigation Subhash Kumar Yadav has been found to be a fake person, I am not inclined to enlarge the petitioner, Triloki Kumar on bail; hence, his prayer for bail is rejected.

7. Taking into consideration that there is only an allegation against the petitioners Sipahi Sharma and Mannu Thakur that on the instruction of Triloki Kumar (petitioner), they made a cavity inside the vehicle for the transportation of Ganja from Nepal to Bihar and also the clean antecedents of the above petitioners, let the petitioners Sipahi Sharma and Mannu Thakur be released on bail on each of them furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court below/concerned Court with N.C.B Case No. PZU/V/02/2024 arising out of N.D.P.S. GR Case No. 09 of 2024, subject to the following conditions:

(i) One of the bailors of the petitioners shall be their close



relative.

(ii) The petitioners shall remain physically present in Court on each date of the trial.

(iii) In case the prosecution is found the petitioners’ involvement in similar nature of allegation after their release and in case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the Court concerned.

(iv) The learned Court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedents, the court below 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.

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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