

In the Court of Additional Sessions Judge-I-cum-Special Judge – N.D.P.S.

Supaul

NDPS-08/2023

(Arising out of Raghapur P.S. Case No. 55/2023)

	<p>Dinesh Yadav, S/o- Bhubaneshwar Yadav, R/o- Khorawartar, Ward No.- 2, P.S.- Mahishi, Distt.- Saharsa Petitioner</p> <p style="text-align: center;">Vs.</p> <p>State of Bihar Respondent</p>	
21/09/23	<p>A bail petition, copy of which has been served to the prosecution, filed on behalf of accused Dinesh Yadav, who is in custody since 09/02/23, in connection with Raghapur P.S. Case No. 55/23, is moved today.</p> <p>Learned Counsel Sri Rajendra Prasad Mandal appearing on behalf of the petitioner submitted that he is quite innocent and has been falsely implicated in this case. It is submitted that the alleged offence is not made out against the petitioner and narcotic substance was not recovered from his conscious possession. It is also submitted that the petitioner is not the owner of the vehicle from which the alleged recovery was made. It is also placed that the police didn't adhere to due processes in recovery, seizure and sampling of narcotic substance. It is further submitted that the petitioner is ready to furnish solvent bailors, thus, it is prayed that the petitioner be enlarged on bail.</p> <p>The learned Special P.P. Sri Dharmendra Kamat vehemently opposed the bail petition and submitted that huge cache of contraband substance was recovered and petitioner may threaten the witnesses or tamper with the evidences. He also submitted that the petitioner tried to flee on seeing the police but was arrested on the spot. As such, it is prayed that the present bail petition be rejected.</p> <p>The prosecution story as per the FIR, in brief, is that on 08/02/23, acting upon a secret information of possession of huge quantity of <i>Ganja</i>, the informant went to conduct raid along with the police party and the Magistrate at the house of the co-accused Ranjit Kumar Yadav. When the police reached at the informed place, they saw a red coloured Renault KWID car bearing registration no. BR 50 L 9652, being parked at the <i>darwaza</i> of co-accused Ranjit Kumar Yadav. On seeing the police party, three persons sitting in the car tried to flee but two of them were apprehended by the police. They disclosed their names as Ranjit Kumar Yadav and Dinesh Yadav. They also disclosed the name of the person, who succeeded in fleeing, as Ganga Chaudhary. When the said car was duly searched, then 104 kg of <i>Ganja</i> was</p>	Contd...

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recovered from it while on due search one mobile and Rs.80,000/- cash were recovered from the accused Dinesh Yadav. Thereafter, at the instance of both the accused persons, when semi-constructed house was duly searched then 142 kg of *Ganja*, kept there in hidden condition, was also recovered. The total 246 kg of *Ganja* was duly seized and both the accused persons were duly arrested.

Heard and perused the record. On perusal of the FIR and the enclosed seizure-list, it appears that the huge quantity of *Ganja* i.e. 104 kg was recovered allegedly from the car of petitioner and another cache of 142 kg of *Ganja* was recovered at the instance of co-accused Ranjeet Kumar Yadav. The recovered *Ganja* was duly seized after preparing seizure lists (para- 5 & 6). The informant and the other witnesses in their respective statements have supported the fact of recovery of huge quantity of *Ganja* (para- 10, 11, 12, 13, 14, 29, 30 & 60) from the car in which the petitioner was sitting and also at the instance of co-accused Ranjit Kumar Yadav from the place disclosed by him. The petitioner and the co-accused Ranjit Kumar Yadav in their respective confessional statements (para- 26 & 27) have also confessed their guilt. Petitioner has criminal history of similar case (para-243). It also appears that the seized contraband was duly sent to the FSL for examination (para-90) and from the FSL reports attached with the record it is clear that the recovered contraband was found to be *Ganja*. After finding the case true, the charge-sheet was submitted and then the cognizance was taken by the Sessions Judge, Supaul on 10/08/23 and after transfer of record to this Court, the charge was framed on 19/09/23.

Considering all the above facts and circumstances, the direct and serious nature of allegation against the petitioner and also the present stage of the case, I am not inclined to release the accused petitioner namely Dinesh Yadav on bail. Hence, the present bail petition stands **Rejected**.

Dictated

Nishi Kant Thakur
21/9/23



(Nishi Kant Thakur)
Additional Sessions Judge-I-
-cum- Special Judge – N.D.P.S.
Supaul