

IN THE HIGH COURT OF JHARKHAND AT RANCHI
B.A. No. 8938 of 2020

Dinanath Tiwary	...	Petitioner
Versus		
The State of Jharkhand through NCB	...	Opposite Party

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner	: Mr. Mahesh Tewari, Advocate
	: Mr. D.K. Jaiswal, Advocate
For the State	: Ms. Shreesha Sinha, Advocate

Order No.02 Dated- 27.11.2020

Heard the parties through video conferencing.

Learned counsel for the petitioner personally undertakes to remove the defects as pointed out by the stamp reporter within two weeks after the lockdown period is over.

In view of the personal undertaking of the learned counsel for the petitioner, the defects pointed out by the stamp reporter are ignored for the present.

The petitioner has moved this Court for grant of bail in connection with N.D.P.S. P.S. Case No.01 of 2019 registered under sections 20 (b) (ii) (C)/29 of NDPS Act, 1985.

The learned counsel for the petitioner submits that the allegation against the petitioner is that the petitioner was the driver of the truck from which 756 kg of ganja was recovered which was transported illegally by the petitioner. It is further submitted that the allegations against the petitioner are all false and the petitioner was not the regular driver and he had no knowledge about ganja being loaded in the truck driven by him. It is next submitted that the petitioner has been in custody since 30.03.2019 as has been mentioned in paragraph no. 1 of the bail application. Hence, it is submitted that the petitioner be admitted to bail.

The learned counsel for the Narcotic Control Bureau on the other hand vehemently opposes the prayer for bail and submits that since the seized ganja was of the commercial quantity, hence the rigor of Section 37 of Narcotic Drugs and Psychotropic Substances Act, 1985 is attracted in this case and in the absence of any material to suggest

that the petitioner is not guilty or that there is no chance of the petitioner being involved in similar type of offence while on bail and also keeping in view that the regular bail application of the co-accused has already been rejected in B.A. No.8361 of 2020 the petitioner ought not to be admitted to bail.

Considering the serious nature of allegation against the petitioner of being involved in transportation of 756 kg of ganja and in the absence of any material to suggest that the petitioner is not guilty of the alleged offence and that there is no chance of the petitioner being involved in similar type of offence while on bail, this Court is of the considered view that this is not a fit case where the above named petitioner be admitted to bail. Accordingly, the prayer for bail of the above named petitioner is rejected.

Keeping in view the period of custody undergone by the petitioner and the serious nature of offences involved in this case, notwithstanding any order in administrative side of this Court, the trial court is directed to take up the trial of the case expeditiously and to conclude the trial within six months from the date of receipt of this order by the trial court. It is made clear that the trial be conducted and witnesses be examined by observing the precautions relating to COVID -19 Pandemic.

(Anil Kumar Choudhary, J.)

Sonu-Gunjan/