

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**A.B.A. No.6460 of 2021**

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1. Khudiya Bhagat @ Khudeshwar Bhagat  
2. Rupesh Bhagat @ Rupesh Kumar Bhagat  
..... Petitioners  
Versus  
The State of Jharkhand .....Opposite Party

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**CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY**

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For the Petitioners : Mr. Gaurav, Advocate  
For the State : Mr. Ravi Prakash, Spl.P.P

**Order No.02 Dated- 09.09.2021**

Heard the parties through video conferencing.

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

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

Apprehending their arrest in connection with Tebo P.S. Case No. 07 of 2021 instituted under Sections 20, 22, 25, 29 of NDPS Act, the petitioners have moved this Court for grant of privileges of anticipatory bail.

Learned counsel appearing for the petitioners submits that the allegations against the petitioners is that police, upon the secret information, seized *dodda* from the concerned vehicle and upon enquiry the apprehended person disclosed the name of the petitioners to be the owners of the seized narcotic drugs and who were coming from behind in another pick-up van but they fled away from the said vehicles taking the advantage of forest and from which a total of 106.1 kg *dodda* has been seized and seizure list was prepared in presence of Gazetted Officer. It is submitted that the allegation against the petitioners is false. It is next submitted that the petitioners are not concerned with the co-accused persons or the seized vehicle or *dodda*. It is next submitted that the allegation against the petitioners are fabricated and from the pick-up van of the petitioner, only 35.6 kg *dodda* has been recovered, which is less than commercial quantity. It is lastly submitted that the petitioners are ready and willing to co-operate with the investigation of the case. Hence, it is submitted that the petitioners be given the privileges of anticipatory bail.

Learned Spl. P.P. on the other hand vehemently opposes the prayer for bail and submits that altogether 106.1 kg *dodda* has been recovered, which comes under commercial quantity, hence, rigors of section 37 of the Narcotic Drugs and Psychotropic Substance Act,1985 is attracted in this case therefore in the absence of any material to show that the allegations against the petitioners are false and that they will not indulging in any offence while on bail the petitioners ought not to be admitted to bail. It is then submitted that their custodial interrogation is required during the investigation of the case to find out the chain of supply of the narcotic drugs. Hence, it is submitted that the petitioners ought not to be given the privilege of anticipatory bail.

Considering the serious nature of the allegation against the petitioners of transporting huge quantity of *dodda* which comes under commercial quantity and that there is no material in the record to suggest that the allegation against them are false or that they will not indulge in any offence if released on bail as also the requirement of his custodial interrogation during the investigation of the case, this Court is of the considered view that this is not a fit case where the petitioners be given privilege of anticipatory bail. Accordingly, the prayer for anticipatory bail of the above named petitioners is rejected.

**(Anil Kumar Choudhary, J.)**