

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (DB) No.629 of 2023**

Arising Out of PS. Case No.-1 Year-2021 Thana- N.C.B (GOVERNMENT OFFICIAL)  
District- Bhojpur

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1. SHANKAR YADAV S/o- RAMESH PRASAD YADAV Village-Sarbaha Ps-Charahi Dist- Hazaribagh Jharkhand
  2. Pritam Lakra son of James Lakda @ Jivan James Lakda Village- Taku Ps-Kuddu Dist- Lohardaga Jharkhand

... .. Appellant/s

Versus

The Union of India through the Intelligence Officer, Narcotices Control Bureau Bihar

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Ravindra Kumar, Advocate.  
Mr. Gopal Krishna, Advocate.  
For the U.O.I (NCB) : Mr. Bindhyachal Rai, Advocate.

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR  
and  
HONOURABLE MR. JUSTICE JITENDRA KUMAR  
ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)**

5      09-05-2024                      We have heard Mr. Ravindra Kumar and Mr. Gopal Krishna, the learned Advocates for the two appellants namely, Shankar Yadav and Pritam Lakra who are driver and cleaner of the truck from where 900.9 kg. *Ganja* was recovered. The NCB has been represented by Mr. Bindhyachal Rai.

2. The learned Advocates for the appellants have submitted that the informant is the Investigator of



this case which vitiates the entire prosecution case. It has further been submitted that none of the mandatory provisions of the NDPS Act has been complied with.

3. We have also been informed that the wife of another co-convict is mentally ill and, therefore, no appeal has been preferred on his behalf as yet.

4. Apart from this, this Court has been informed that the main accused of this case has been acquitted on a specious plea which is not sustainable in the eyes of law.

5. Though, taking into account the quantity of narcotics recovered from a vehicle of which the appellants are driver and cleaner respectively, we are not inclined to suspend their sentence presently.

6. The prayer is rejected.

7. However, we direct the registry to prepare the paper book urgently and get this case listed for final hearing in the second week of August commencing from 5<sup>th</sup> of August, 2024.



8. We have said so for the reason that one of the co-convicts has still not preferred an appeal and the appellant No. 2 is a tribal student who is barely in his teens.

**(Ashutosh Kumar, J)**

**( Jitendra Kumar, J)**

S.Ali/Sunil

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