

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85427 of 2019

Arising Out of PS. Case No.-08 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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1. BACHCHA BABU Son of Late Nurul Hoda Resident of Village - Masahi,
P.O.- Jeetpur, P.S.- Chhauradano, District- East Champaran
 2. Azizul Rahman Son of Safi Ahmad Resident of Village - Masahi, P.O.-
Jeetpur, P.S.- Chhauradano, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saroj Kumar Sharma, Advocate.

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP.

For the Union of India : Mr. Manoj Kumar Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL ORDER

5 06-10-2020 This matter has been taken up through Video Conferencing.

Heard the parties.

The petitioners are languishing in custody for the offence punishable under Sections 8/20 of the N.D.P.S. Act in connection with N.D.P.S. Case No. 10 of 2018, arising out of NCB Case No. PZU/V/08/2018.

Prosecution case is that 27.5 Kgs. of Charas was recovered from the possession of the petitioners. The petitioners



are in custody since 11.02.2018. After forensic examination, the recovered narcotics was found to be Charas.

The report of the trial Judge reveals that most of the prosecution witnesses have already been examined in this case.

In the case of **State of Kerala Etc. v. Rajesh Etc.** reported in AIR 2020 Supreme Court 721, the Hon'ble Supreme Court considered the mandate of Section 37 of the N.D.P.S. Act and observed in Para-18 of the Judgment as follows:

“The jurisdiction of the Court to grant bail is circumstanced by the provisions of Section 37 of the NDPS Act. It can be granted in case there are reasonable grounds for believing that accused is not guilty of such offence, and that he is not likely to commit any offence while on bail. It is the mandate of the legislature which is required to be followed.”

Evidently there is no material to substantiate that in the event of release, the petitioners would not commit said offence again nor there is anything to believe that the petitioners are not guilty of such offence.

Hence, I am not inclined to enlarge the petitioners on bail in connection with N.D.P.S. Case No. 10 of 2018 arising out of NCB Case No. PZU/V/08/2018.



Prayer for bail of the petitioners is refused.

(Birendra Kumar, J)

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