

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8596 of 2020

Arising Out of PS. Case No.-13 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- West Champaran

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1. RAJMANGAL MAHTO Son of Late Ugam Mahto Resident of Village -
Yadopur, P.S.- Yadopur, District- Gopalganj
 2. Sanjay Kumar Son of Baleshwar Mahto @ Balishtar Mahto Resident of
Village - Jadopur House No. 767, P.S.- Jadopur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yogendra Prasad Sinha

For the Opposite Party/s : Mr.S.D.Sanjay, Addl. Solicitor General of India

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 25-06-2020 The matter has been taken up through virtual court
proceeding.

Heard learned counsel for the petitioners and the
State.

The petitioners, who are languishing in custody since
26.05.2019, have preferred the present application for grant of
bail in a case registered for the offences punishable under
Sections 8, 2, 20, 25 and 29 of the N.S.P.S. Act.

The prosecution case, as per the FIR, is to the effect
that the informant received a confidential information that some
miscreants are transporting ganja from Nepal to India.
Consequently, a Maruti Alto 800 and a Bolero vehicle were
intercepted and total 240 kgs of ganja were recovered. It is



alleged that the petitioners were found sitting in the vehicles in question.

It is submitted by learned counsel for the petitioner that the petitioners were simply a passenger in the vehicle in question. The recovery has not been made from the possession of the petitioners and the petitioners never confessed of their involvement before the investigating agency. It is further submitted that the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned A.S.G appearing on behalf of the Narcotic Control Bureau submits that recovery is of much more than commercial quantity and the petitioners were apprehended from the spot.

Section 37(b) of the NDPS Act mandates that no person accused of an offence punishable for offences under section 19 or section 24 or section 27A and also for offences involving commercial quantity shall be released on bail or on his own bond unless (i) the Public Prosecutor has been given an opportunity to oppose the application for such release, and (ii) where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he



is not guilty of such offence and that he is not likely to commit any offence while on bail.

In the present case, there is nothing on record to inspire confidence of this Court that the petitioners are not guilty of such offences nor any material to suggest that they are not likely to commit any offence while on bail.

In the circumstance, considering the much more than commercial quantity of recovery of ganja, this Court is not inclined to grant bail to the petitioners.

Accordingly, the prayer for bail of the petitioner, in connection with N.D.P.S. Case No. 18 of 2019, arising out of NCB/PZU/V/Case No. 13 of 2019, pending in the Court of learned Sessions Judge, West Champaran, Bettiah is rejected.

The present application is dismissed.

If the defect(s) as pointed out by the Stamp reporter is not removed within three weeks of resumption of physical court proceeding, the office will again place the matter before this Court.

(Dinesh Kumar Singh, J)

Amrendra/-

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