

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18866 of 2020

Arising Out of PS. Case No.-15 Year-2018 Thana- BACHHWARA District- Begusarai

SUKESH KUMAR, S/o Sagar Singh, R/o village - Sherpur, P.S. - Maranchi,
District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Bhushan Singh, Advocate
For the Opposite Party/s : Mr. Abhay Kumar Roy, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 27-01-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 8, 20(C) and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Petitioner is in custody since 30.01.2018. Petitioner is driver of the truck which was carrying huge quantity of Ganja.

In the past, prayer for bail was refused on 09.04.2019 in Cr. Misc. No. 41138 of 2018 with direction to the learned Trial Judge to conclude the trial within nine months.

The report of the learned Trial Judge would reveal that the case is still pending for prosecution evidence.

The grant of bail in NDPS cases where the recovery of commercial quantity of narcotic is alleged is circumscribed by the mandate of Section 37 of the Narcotic Drugs and



Psychotropic Substances Act, 1985 which says that before grant of bail, the Court must have reason to believe that petitioner has not committed the offence and in the event of release he would not commit similar offence.

This issue was considered by the Hon'ble Supreme Court in case of State of Kerala and Others Versus Rajesh and Others reported in (2020)12SCC 122.

The recovery of huge quantity of Ganja from the truck of which the petitioner was driver would not justify that the petitioner had no knowledge of the narcotic nor there is any material to substantiate that the petitioner would not commit such offence in the event of release. Hence, I am not inclined to enlarge the petitioner on bail in connection with Bachhawara Police Station Case No. 15 of 2018, G.R. No. 356 of 2018 pending in the Court of learned Additional Sessions Judge-I-cum-Special Judge, Begusarai/successor Court.

The State-respondent is directed to produce the prosecution witnesses at the stage of trial at the earliest.

The learned Court below shall adhere to the time frame for conclusion of the trial as directed earlier.

(Birendra Kumar, J)

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