

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 10977 of 2021

Arising Out of PS. Case No.-11 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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GOVIND GHOSH @ GOVINDO GHOSH Son of Late Gopal Ghosh
Resident of Khudiram Pally Mal Bazar, P.O.- Bataigul Bazaar, P.S.- Metali,
District - Jalpaiguri (West Benga)

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Narcotics Control Bureau, Patna through its intelligence Officer Union of India.

... .. Opposite Party/s

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For the Petitioner/s : M/s Saket Anand, Usha Kri Singh, Shambhu Kr,
Advocates
For the Opposite Party/s : Mr Ganesh Prasad Singh, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL ORDER

3 27-07-2021 This case has been taken up for consideration today
through Video Conferencing.

Heard learned counsel for the petitioner and the
learned Additional Public Prosecutor (for brevity, *APP*)
appearing for the State of Bihar.

The petitioner seeks bail in Special (Narcotic Drugs
and Psychotropic Substances) (for brevity, *NDPS*) Case No 15
of 2018 arising out of F No NCB/PZU/V/II/2018 dated
06.03.2018 instituted for the offence punishable under Sections
20 (b) (ii) (c) and 29 of NDPS Act.

Petitioner has renewed the prayer for bail third time.
Prayer for bail was earlier rejected by this Court in Cr Misc No
63089 of 2018 and Cr Misc No 114 of 2020.

137 kilograms of Ganja has been recovered from the
vehicle from which the petitioner was arrested.



Learned counsel for the petitioner submits that similarly situated co-accused has been allowed bail by this Court in Cr Misc No 25907 of 2019.

This Court, after perusing the order, would find that the co-accused, namely, Awadhesh Rai @ Awadhesh Ray, whose prayer for bail has been considered by this Court in Cr Misc No 25907 of 2019, is the owner of the vehicle but, on merit, his case stands on different footing for the fact that petitioner of Cr Misc No 25907 of 2019 was not arrested from the vehicle at the time of recovery of contraband substance.

Recovery of the contraband substance is much more than the commercial quantity. There is statutory bar to grant of bail under Section 37 of the NDPS Act unless the conditions under Section 37 (b) (i) & (ii) are satisfied. In the instant case, no case is made out satisfying the conditions for lifting the statutory bar on grant of bail.

In this background, this Court does not find a fit case for grant of bail.

Prayer for bail is rejected for the present.

(Madhuresh Prasad, J)

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