

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19750 of 2021

Arising Out of PS. Case No.-8 Year-2020 Thana- D.R.I District- Patna

SUBODH KUMAR @ SUBODH PANDIT S/o Ramnath Pandit Resident of
Village- Bahrampur, P.S.- Rustampur, District- Vaishali.

... .. Petitioner/s

Versus

1.THE STATE OF BIHAR
2.The Intelligence Officer, DRI, RU, Patna through Union of India.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Kamal Nayan,Adv
For the Informant : Mr. Ranvir Kumar, Adv
For the Opposite Party/s : Mr.Yogendra Kumar,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

8 23-02-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

The petitioner seeks bail in connection with
(N.D.P.S.) Special Case No.128 of 2020 arising out of
F.No.DRI/LZU/PRU/718(ii)/ENQ-08/2020 registered for the
offence under Sections 20,25,29 of N.D.P.S. Act.

The allegation is regarding recovery of 1016.400 Kgs
of Ganja.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent. He has falsely been implicated
in the present case. The huge quantity of Ganja is said to be
recovered from a vehicle. Two persons were arrested from the
vehicle. 1016.400 Kgs of Ganja was recovered from the



vehicle in question and the petitioner is in the vehicle. He further submits that the petitioner has no concern with the recovered articles.

The grant of bail in NDPS cases where the recovery of commercial quantity of narcotic substance is alleged is circumscribed under Narcotic Drugs and Psychotropic Substances Act, 1985, Section 37 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.

The issue was considered by the Hon'ble Supreme Court in the case of **State of Kerala and Ors Vs. Rajesh & Ors**, reported in **2020(12) SCC 122**.

The recovery of huge quantity of Ganja from the vehicle in question and the petitioner, who is co-passenger, it has not justified 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.

Learned counsel for the Union of India as well as learned A.P.P. for the State have vehemently opposed the prayer for bail of the petitioner on the ground that the recovered Ganja



is more than commercial quantity.

Hence, I am not inclined to enlarge the petitioner on bail in connection with (N.D.P.S.) Special Case No.128 of 2020 arising out of F.No.DRI/LZU/PRU/718(ii)/ENQ-08/2020 pending in the court of learned Sessions Judge, Patna.

Prayer is refused.

However, the learned Trial Court is directed to expedite the trial.

(Rajesh Kumar Verma, J)

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