

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7678 of 2022

Arising Out of PS. Case No.-537 Year-2017 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Raju Ram Son Of Baga Ram Resident Of Village- Khatiyasni, P.S.-
Dangiyawas District- Jodhpur (RAJASTHAN)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra, Adv
For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-07-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offence under Sections 8,18 and 29 of N.D.P.S. Act.

Recovery is of 25 Kg of opium.

Learned counsel for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. As per FIR 25 Kg of opium has been recovered from possession of the petitioner and he is in custody since 28.12.2017.



Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and submits that the FSL Report confirms that the recovered article is opium which is the intoxicating and addictive narcotic drug.

The grant of bail in NDPS cases where the recovery of commercial quantity of narcotic 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 Opium from possession of the petitioner 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 NDPS Case No.07/2019/02/2018 arising out of Sherghati Excise Case No.437 of 2017 pending in the



court of learned Additional Sessions Judge-III, Gaya.

Prayer is refused.

Learned Trial Court is directed to expedite the trial.

(Rajesh Kumar Verma, J)

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