

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9684 of 2022

Arising Out of PS. Case No.-15 Year-2021 Thana- NAUGACHHIYA RAIL P.S. District-
Khagaria

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Sonu Kumar Singh Son of Gowardhan, Singh Resident of Village - Laua
Lagan, Ward No.05, P.s.- Chausa, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindeswari Singh, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-07-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in connection with Naugachiya
Rail P.S. Case No. 15 of 2021 registered for the offences
punishable under Sections 20 and 22 of the N.D.P.S. Act.

Recovery is of total 20.500 kg. Ganja from the
possession of the petitioner.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and has committed no offence
and he has falsely been implicated in the present case. He
further submits that nothing has been recovered from the



conscious possession of the petitioner. The petitioner is in custody since 08.09.2021.

As per Narcotic Drugs and Psychotropic Substances Act, 1985, commercial quantity of Ganja is 20 kg. and the small quantity of Ganja is 500 gms. but the recovery in the present case is of 20.500 kg. Ganja which is more than the commercial quantity.

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 and Ors.*, reported in *2020(12) SCC 122*.

The F.S.L. report dated 27.01.2022 also confirms that the substance is Ganja. The recovery of commercial quantity of Ganja from the possession of the petitioner would not justify that the petitioner had no knowledge of narcotic nor there is any material to substantiate that the petitioner would not commit



such offence in the event of release.

Considering the aforesaid facts and circumstances, I am not inclined to grant the privilege of bail to the petitioner in connection with Naugachiya Rail P.S. Case No. 15 of 2021 pending in the court of learned Special Judge-cum-Additional Sessions Judge-III, Khagadiya.

Accordingly, the same stands rejected.

(Rajesh Kumar Verma, J)

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