

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47105 of 2021

Arising Out of PS. Case No.-222 Year-2020 Thana- DURGAWATI District- Kaimur (Bhabua)

DEELIP PATEL Son of Angad Singh Resident of - Bhabua Ward No. 9,
Chhawani Muhalla, P.S. - Bhabua, District - Kaimur (Bhabua).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 22866 of 2021

Arising Out of PS. Case No.-222 Year-2020 Thana- DURGAWATI District- Kaimur (Bhabua)

BHAGWANI DEVI @ MALKIN W/o Angad Singh Resident of Village -
Bhabua Ward No.9, Chhawani Muhalla, P.S.- Bhabua, Distt.- Kaimur
(Bhabua).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 47105 of 2021)

For the Petitioner/s : Mr.Rajesh Kumar Mishra,Adv

For the Opposite Party/s : Mr.A.P.P.

(In CRIMINAL MISCELLANEOUS No. 22866 of 2021)

For the Petitioner/s : Mr.Rajesh Kumar Mishra,Adv

For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 16-05-2022 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 petitioners and learned
APP for the State in both the applications.

Petitioners seek bail in a case registered for the



offences punishable under Sections 8,20(b)(ii)(C)/22/27A of NDPS Act.

During the raid, a total of 390 kilograms of Ganja alongwith weigh measuring machine was recovered from the house of the petitioners.

Learned counsel appearing for the petitioners submits that the petitioners have falsely been implicated in the present case. Petitioner-Bhagwani Devi @ Malkin has clean antecedent. He further submits that it appears from the FIR that altogether 390 Kg Grams of Ganja has been recovered from the house of the petitioners. Petitioner-Deelip Patel is in custody since 24.08.2020 and petitioner-Bhagwani Devi @ Malkin is in custody since 23.09.2020 respectively.

Learned A.P.P. for the State submits that the FSL Report confirms that the recovered narcotic is Ganja and the same is more than commercial quantity. He further submits that it appears from the record of the case that petitioner-Deelip Patel carries three more cases other than the present one. Out of three criminal cases, two are in NDPS cases. He further submits that prayer for bail of co-accused namely, Dukhanti Sah @ Rampati was rejected vide order dated 25.01.2022 in Cr. Misc. No.25928 of 2021 and prayer for bail of co-accused namely,



Sunil Kumar Gupta @ Sunil Sah @ Bablu Sah was also rejected vide order dated 16.09.2021 in Cr. Misc. No.13144 of 2021 by different Coordinate Benches of this Hon'ble Court.

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 petitioners have not committed the offence and in the event of release they 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 possession of the petitioners would not justify that the petitioners had no knowledge of the narcotic nor there is any material to substantiate that the petitioners would not commit such offence in the event of release.

Considering the aforesaid facts, I am not inclined to enlarge the petitioners on bail in connection with Durgawati P.S.Case No.222 of 2020 pending in the court of learned Sessions Judg-cum-Special Judge, Kaimur at Bhabhua.



Prayer is refused.

(Rajesh Kumar Verma, J)

Nitesh/-

U		T	
---	--	---	--

