

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23553 of 2021**

Arising Out of PS. Case No.-367 Year-2020 Thana- NAGAR District- Vaishali

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VIRENDRA SHARMA@BIRENDAR SHARMA S/o Late Rajendra Sharma
R/o village- Baluya Basanta, P.S.- Lalganj, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Adv
For the Opposite Party/s : Mr.A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 18-01-2022 Heard learned counsel for the petitioner and the

learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Hajipur
Town P.S.Case No.367 of 2020 registered for the offence under
Sections 419, 420, 467, 468, 471 of IPC and Sections 25
(1-b)a/26/35 of Arms Act and Sections 20,22,23,24,27(a) and 29
of N.D.P.S. Act.

The prosecution case, in short, is that the police party
during vehicle checking stopped a four wheeler and
apprehended two persons boarded on the vehicle who disclosed
their name as Dharmendra Kumar @ Dharmendra Gope and
Virendra Sharma (petitioner) and on search of the vehicle total
1,50,000/- cash was recovered and from the possession of
Dharmendra Rai a loaded country made pistol with five live



cartridges alongwith 2.500 Kg Charas and from the possession of petitioner-Virendra Sharma a loaded country made pistol with five live cartridges alongwith 2.375 Kg charas were recovered.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that Section 15 of the NDPS Act has not been followed in the present case. It appears from the FIR a loaded country made pistol with five live cartridges alongwith 2.375 Kg of Charas have been recovered from possession of the petitioner. Petitioner is in custody since 08.06.2020.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries fifteen more cases other than the present one.

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 Charas 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 Hajipur Town P.S.Case No.367 of 2020 pending in the court of learned Sessions Judge, Vaishali. Prayer is refused.

Learned Trial Court is directed to expedite the trial.

(Rajesh Kumar Verma, J)

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