

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25798 of 2021

Arising Out of PS. Case No.-37 Year-2011 Thana- KOTWA District- East Champaran

JHULAN PATEL @ BHULAN PATEL S/O RAJA RAM PATEL @ RAJA
RAM RAY Resident of Village- Barkurwa, P.S.- Kotwa, District- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 24-01-2022 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 N.D.P.S.
Case No.58 of 2017 arising out of Kotwa P.S.Case No.37 of
2011 registered for the offence under Sections 20,22 of the
Narcotic Drugs and Psychotropic Substances Act.

The prosecution case, in short, is that on 22.02.2011
on the basis of secret information police reached at Dhangad
Toil, seeing police force two persons started fleeing away from
Bolero vehicle, but on chase one was apprehended and one
person succeeded in fleeing away. Apprehended person
disclosed his name as Surendra Prasad and further disclosed the
name of the driver who fled away as the petitioner Jhulan Patel.



On query, Surendra Prasad disclosed that Ganja was given by Dinesh Singh. On search total 120 Kg of Ganja was recovered from Bolero vehicle and the same was seized. He further disclosed that vehicle is registered in the name of his wife Kunti Devi.

Learned counsel appearing for the petitioner submits that earlier the petitioner has been granted anticipatory bail vide order dated 20.01.2014 in Cr. Misc. No.27090 of 2013 but the petitioner has not furnished the bail bond.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and submits that the allegation against the petitioner is of recovery of 120 Kg of Ganja.

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 case 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 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 N.D.P.S. Case No.58 of 2017 arising out of Kotwa P.S.Case No.37 of 2011 pending in the court of learned 1st Additional Sessions Judge, East Champaran, Motihari. Prayer is refused.

Learned Trial Court is directed to expedite the trial.

(Rajesh Kumar Verma, J)

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