

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29463 of 2021**

Arising Out of PS. Case No.-154 Year-2020 Thana- AMAS District- Gaya

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AJEET KUMAR Son of Munarik Yadav Resident of Village- Ishagunj, P.S.-
Kothi, District- Gaya.

... .. 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. Md. Fahimuddin, APP.

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

4 11-02-2022 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with Amas
P.S. Case No. 154 of 2020 registered for the offence under
Sections 15(C) of the N.D.P.S. Act.

Recovery is of 191 Kg. of Doda.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that the
petitioner is not named in the F.I.R. and merely on the basis
of suspicion, he has been made accused in this case. The
petitioner is rotting in judicial custody since 20.10.2020.

Learned A.P.P. for the State has, vehemently,



opposed the prayer for bail of this petitioner and submits that a huge quantity to the extent of 191 Kg. of Doda falling within the purview of commercial quantity has been recovered from the vehicle of which the petitioner is said to be the driver. He also submits that since the recovered quantity comes under the purview of commercial quantity, the petitioner seems to be engaged in illegal activity of dealing with narcotic substances like Doda. He also submits that the petitioner carries one more case other than the present one. Hence, he does not deserve to be enlarged on bail.

Since the quantum of recovery of Doda, which is a poppy straw, in this case falls within the purview of commercial quantity, this Court intends to refer Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, which clearly depicts that the grant of bail in N.D.P.S. cases, where the recovery of commercial quantity of narcotic substance is alleged, is circumscribed. Section 37 says that for granting bail, the Court must, on the basis of the record produced before it, be satisfied that there are reasonable grounds for believing that the accused is not guilty of the offences for which he has been charged, and further he is not



likely to commit any offence while on bail.

This issue has also been 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.***

In view of the aforesaid reference and the facts of the case, this court is of the view that the recovery of huge quantity of Doda would not justify that the petitioner had no knowledge of narcotic kept in the vehicle or he was not involved in commission of such offence and also there is no material available to substantiate that the petitioner would not commit such offence in the event of release. Therefore, considering the quantum of recovery of Doda as well as the mandate of Section 37, this Court is not inclined to enlarge the petitioner on bail at this stage. Accordingly, the prayer for grant of bail to the petitioner is rejected. However, the learned trial court is directed to expedite the trial and try to conclude it.

(Rajesh Kumar Verma, J)

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