

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 18456 of 2022**

Arising Out of PS. Case No.-654 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

MOTI RAM SON OF LATE SHIVKUMAR RAM R/O VILLAGE- NEW
BASTI, P.S.- DURGAWATI, DISTRICT- KAIMUR AT BHABUA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr Shyameshwar Dayal, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 29-06-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, *APP*) appearing for the State of Bihar.

The petitioner seeks bail in Narcotic Drugs and Psychotropic Substances (for brevity, *NDPS*) Act Case No 35 of 2020 arising out of Bhabua (Sonhan) Police Station Case No 654 of 2020 instituted for the offence punishable under Sections 8 (C)/20 (b) (ii) (B)/22/27 (A) of NDPS Act.

Referring to and relying upon bar under Section 37 of NDPS Act, the petitioner's prayer for bail was rejected by this Court earlier by order dated 02.08.2021 passed in Cr Misc No 9132 of 2021 having regard to the allegations of recovery of 93.100 Kilograms of Ganja from his house (Annexure 1).



Petitioner has renewed the prayer for bail by submitting that he has, by now, remained in custody since 04.10.2020.

Learned APP has opposed the prayer for bail.

This Court, having regard to the statutory bar to grant of bail under Section 37 of the NDPS Act, is not inclined to take a different view of the matter today merely because the petitioner has remained in custody for nearly two years.

Prayer for bail is again rejected.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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