

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33220 of 2021

Arising Out of PS. Case No.-5 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

=====

Kulwant Singh S/o- Sri Sukhwinder Singh Resident of Village and P.O.-
Akkanwali (Near Atta Chakki), P.S.- Bohra, District- Mansa, Punjab.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Union of India.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Nihar Nandan Ambasta

For the Opposite Party/s : Mr. Ashok Kumar, A.P.P.

For the UOI : Mr. Ratnesh Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 02-02-2022 Heard learned counsel for the petitioner as well as

learned counsel for Union of India and learned Additional

Public Prosecutor for the State in Virtual Court proceeding.

Let the defects, as pointed out by the office, be

removed within four weeks of start of normal functioning of the

physical court.

Petitioner seeks bail in connection with Special Case

No. 11 of 2019 arising out of N.C.B. Case bearing No.

N.C.B./PZU/V/05/2019 registered for the offences punishable

under Sections 8(C), 18(b) and 29 of the N.D.P.S. Act, 1985.

According to prosecution case, as per statement of

informant, the NCB team recovered 7.5 kg. (Gross) Opium

along with the Datsun Go plus Car from the possession of

accused persons namely, Satpal Singh (petitioner), Kulwat



Singh.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. He further submits that there is no complaint of the standing order of 1/89 issued by the Government of India. He further submits that Section 50 of N.D.P.S. has not been followed in the present case. It appears from the complaint case that total 7.5 kg. Opium has been recovered from the car in question. The petitioner is in custody since 21.01.2019.

The learned counsel for the Union of India and learned Additional Public Prosecutor has vehemently opposed the prayer for bail and submits that the said recovery is the commercial quantity and submits that the petitioner carries one case under NDPS Act.

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 and Ors.*, reported in *2020(12) SCC 122*.

The recovery of huge quantity of Opium from the possession of the petitioner would not justify that the petitioner had no knowledge of narcotic nor there is any material to substantiate that the petitioner would not commit such offence in the event of release.

Learned counsel for the NCB informed this Court that the bail application of co-accused namely Satpal Singh has been rejected vide order dated 01.02.2022 passed in Cr. Misc. No. 36274 of 2021.

Considering the aforesaid facts and circumstances, I am not inclined to grant the privilege of bail to the petitioner in connection with Special Case No.11 of 2019 arising out of N.C.B. Case bearing No. B.C.B./PZU/V/05/2019 pending in the court of learned Additional District and Sessions Judge-XXII-cum-Special Judge (NCPS), Patna. Accordingly, the same stands rejected.

However, the learned trial court is directed to expedite the trial.

(Rajesh Kumar Verma, J)

mdrashid/-

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

