

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31366 of 2021

Arising Out of PS. Case No.-612 Year-2019 Thana- PIRBAHOR District- Patna

Raj Kumar Thakur Son Of Ram Janam Thakur R/O New Patna Colony, P.S.-
Beur, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prashant Kumar, Adv
For the Opposite Party/s : Mr.Arun Kumar Pandey, APP.

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 in virtual Court proceeding.

The petitioner seeks bail in connection with Special
Case No.170 of 2019 arising out of Pirbahore P.S.Case No.612
of 2019 registered for the offence under Sections 21,20 and 22
of N.D.P.S.Act.

In huge quantity the brown sugar is said to have been
recovered from a vehicle and driver and two persons of the
aforesaid vehicle were arrested. The driver and the apprehended
person disclosed that the vehicle belongs to co-accused-
Abhimanyu Singh @ Mannu Singh @ Abhimanu Singh @
Mannu Singh who also involved in smuggling of brown sugar.
Furthermore, two mobile sets were recovered from possession
of apprehended persons. The house of co-accused-Abhimanyu



Singh @ Mannu Singh @ Abhimanu Singh @ Mannu Singh was raided but nothing was found from the house of co-accused- Abhimanyu Singh @ Mannu Singh @ Abhimanu Singh @ Mannu Singh.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that 9 Kg 800 Gms of brown sugar was recovered from the vehicle in question and the petitioner is driver of the said vehicle. He further submits that the petitioner has no concern with the recovered article. Learned counsel for the petitioner submits that co-accused, namely, Abhimanyu Singh @ Mannu Singh @ Abhimanu Singh @ Mannu Singh, who is owner of the vehicle in question, has been granted privilege of anticipatory bail vide order dated 09.07.2020 in Cr. Misc. No. 13170 of 2020 by a Coordinate Bench of this Hon'ble Court. Petitioner is in custody since 27.11.2019.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

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 brown sugar from the vehicle in question and the petitioner is driver, it has not justified 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 Special Case No.170 of 2019 arising out of Pirbahore P.S.Case No.612 of 2019 pending in the court of learned Additional Sessions Judge-XXVI, Patna.

Prayer is refused.

Learned Trial Court is directed to expedite the trial.

(Rajesh Kumar Verma, J)

Nitesh/-

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