

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31314 of 2021

Arising Out of PS. Case No.-17 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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GAUTAM KUMAR Son of Abdhesh Singh Resident of Village - Parsawa,
P.S.- N.T.P.C. Barh, District - Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Shri Nandan Prasad Singh
For the State	:	Mr.Akhileshwar Dayal, APP.
For Union of India	:	Mr. Sujeet Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 01-02-2022 Heard learned counsel for the petitioner, learned
counsel appearing 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 Hajipur
Special Case No. 102/2019 arising out of F. No.
NCB/PZU/V/17/2019 registered for the offences punishable
under Sections 8(C)/20(b) (ii) (C)/29 of the NDPS Act.

As per prosecution case, 750 kg. Ganja has been
recovered from oil tanker.

Learned counsel for the petitioner submits that



petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that petitioner is driver of said tanker and the recovery has been made from inside the tanker. Petitioner is in custody 24.08.2020.

Learned counsel appearing for Union of India and learned Additional Public Prosecutor vehemently opposed the prayer of bail submitting that recovery is more than commercial quantity.

The grant of bail in NDPS cases where the recovery of commercial quantity of narcotic is alleged is circumscribed under the NDPS Act, 1985. Section 37 of the said Act says that before grant of bail, the Court must have reason to believe that the petitioner has not committed the offence and in the event of release, he would not commit similar offence in future.

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 ganja would not justify that the petitioner had no knowledge of the narcotic nor there is any material to substantiate that 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 Hajipur Special Case No. 102/2019 arising out of F. No. NCB/PZU/V/17/2019 and accordingly, the same stands rejected.

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

(Rajesh Kumar Verma, J)

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