

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33983 of 2021

Arising Out of PS. Case No.-154 Year-2020 Thana- UDWANTNAGAR District- Bhojpur

Track Yadav @ Tarak Yadav @ Hari Shankar Yadav S/o Late Demangal
Yadav Resident of Village- Masarh Dhibra Mohalla, P.S.- Udawant Nagar,
District – Bhojpur. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramashray Roy, Adv.

For the Opposite Party/s : Mrs. Veena Rani Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 28-02-2022 Heard learned counsel for the petitioner as well as
learned APP for the State.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

The petitioner seeks bail in connection with N.D.P.S.
Case No.10 of 2020 arising out of Udwant Nagar (Gajrajganj
O.P.) P.S. Case No.154/2020 registered for the offence
punishable under Section 8/20(b)(ii)(c) of N.D.P.S. Act, 1985.

The prosecution case in short is that, one S.I. received
a secret information that one Track Yadav @ Tarak Yadav @
Hari Shankar Yadav of village-Masarh has kept *Ganja* in his
room. He reached at the spot and raided the house of the
petitioner and recovered 41 Kg. Ganja from the house of Track
Yadav @ Tarak Yadav @ Hari Shankar Yadav and arrested him



and seizure list was prepared.

Learned counsel appearing on behalf of the petitioner submits that petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that nothing has been recovered from the conscious possession of the petitioner and Section 50 of the NDPS Act has not been followed in the present case. It appears from the FIR that 41 Kg. Ganja has been recovered from the house of the petitioner.

The grant of bail in the N.D.P.S cases where the recovery of commercial quantity of narcotic is alleged is circumscribed under Narcotic Drugs & 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 offence.

The 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**. The recovery of the huge quantity of *Ganja* from the house of the petitioner would not justify that he had no knowledge of the narcotic kept in his house nor there is any material to substantiate that the petitioner could not commit such offence in the event of his



release.

Hence, I am not inclined to grant bail to the petitioner.

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

(Rajesh Kumar Verma, J)

Prakash Narayan /-

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