

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36274 of 2021

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

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Satpal Singh S/O Gurdev Singh R/O Village-Akkanwali, P.S-Boha, District-
Mansa, State-Punjab

... .. Petitioner/s

Versus

The Union of India.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sayed Imran Ghani, Advocate
For the Opposite Party/s : Mr. Ratnesh Kumar (C.G.C.)

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 01-02-2022 Heard learned counsel for the petitioner 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 in (NCB/PZU/V/058/2019) registered for the

offences punishable under Sections 8(C), 18(b) & 29 of the

N.D.P.S. Act.

According to prosecution case, as per statement of

informant, the NCB team recovered 7.5 kg. 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 22.01.2019.

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.

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, (N.C.B./PZU/V/05/2019 pending in the court of learned Additional Sessions Judge-XXII, Patna. Accordingly, the same stands rejected.

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

(Rajesh Kumar Verma, J)

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