

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29991 of 2022

Arising Out of PS. Case No.-17 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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RESHU KUMAR @ RISHU KUMAR S/o Parmanand Ray R/o village-
Mohanpur, P.S.- Raghopur, District- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director, Narcotics Control Bureau Patna, Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ranjeet Kumar, Advocate
For the UOI	:	Smt.Renuka Sharma, Advocate
	:	Mr.Rakesh Kumar, Advocate
	:	Mr.Rajni Kant Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-08-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offence under Sections 8(c), 20(b)(ii)c, 25, 29 of N.D.P.S. Act.

Recovery is of 200.500 Kg of Ganja.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that it appears from the FIR as well as seizure list that 200.500 Kg of Ganja has been recovered from



possession of the petitioner. Petitioner is in custody since 29.07.2021.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and submits that the recovered contraband is more than the commercial quantity.

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** as well as in the case of **Narcotic Control Bureau Vs. Mohit Aggarwal in Cr. Appeal Nos.1001-1002 of 2022** arising out of **Special Leave to Appeal (CRL.) No.6128-29 of 2021**.

The recovery of huge quantity of Ganja from possession of the petitioner would not justify 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 N.D.P.S.Case No.22 of 2021(arising out of N.C.B. Crime Case No.17 of 2021) pending in the court of learned District and Sessions Judge, Begusarai.

Prayer is refused.

(Rajesh Kumar Verma, J)

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