

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28672 of 2022

Arising Out of PS. Case No.-26 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Kishanganj

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MADAN NATH @ MADAN CHANDRA NATH Son of Late Umaram Nath
Resident of Village - Bainauja, Police Station- Munguldoi in the district of
Daraun @ Darrang (Assam).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar, APP

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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 20(b)II(c)/25 of N.D.P.S. Act.

Recovery is of 42.100 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 42.100 Kg of Ganja has been recovered from
possession of the petitioner. Petitioner is in custody since



02.01.2022.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and submits that the recovered Ganja 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 C.C. No.01 of 2022 pending in the court of learned District and Sessions Judge-cum- Special Judge, N.D.P.S.Act, Kishanganj.

Prayer is refused.

(Rajesh Kumar Verma, J)

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