

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33394 of 2022

Arising Out of PS. Case No.-390 Year-2019 Thana- UDWANTNAGAR District- Bhojpur

Bablu Singh @ Bablu Kumar Son of Bneshwar Singh @ Dineshwar Singh
Resident of Village - Ama Mahmoodpur, P.s.- Udawantnagar (Gajrajganj),
Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta, Advocate
For the Opposite Party/s : Mr. Murli Dhar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-09-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 8(20),(b),(ii),(c) of N.D.P.S.
Act.

Recovery is of total 31 kg. Ganja from the house of
the petitioner.

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 nothing has been recovered from the



conscious possession of the petitioner and the petitioner has no concern with the alleged recovery. He further submits that similarly situated co-accused namely, Bineshwar Singh @ Bindeshwari Singh has been granted bail by a co-ordinate Bench of this Court vide order dated 08.09.2021 passed in Cr. Misc. No. 28601 of 2021. The petitioner is in custody since 24.01.2022.

As per Narcotic Drugs and Psychotropic Substances Act, 1985, commercial quantity of Ganja is 20 kg. and the small quantity of Ganja is 500 gms. but the recovery in the present case is of 31 kg. Ganja which 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 and Ors.*, reported in *2020(12) SCC 122* as well as in the case of



Narcotic Control Bureau Vs. Mohit Aggarwal reported in ***AIR 2022 SC 3444.***

The recovery of commercial quantity of Ganja 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 Udawantnagar (Gajrajganj O.P.) P.S. Case No. 390 of 2019, N.D.P.S. Case No. 15 of 2019 pending in the court of learned Sessions Judge, Bhojpur at Ara.

Accordingly, the same stands rejected.

(Rajesh Kumar Verma, J)

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