

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45038 of 2021

Arising Out of PS. Case No.-7 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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Ramanand Yadav Son of Late Kallu Yadav @ Kailu Yadav Resident of
Village- Ranipur Paijaba, P.S.- Bypass, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Ms. Usha Kumari Singh, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar No.2, A.P.P.
For the Union of India	:	Mr. Ratnesh Kumar, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 10-03-2022 Heard learned counsel for the petitioner and learned
counsel for the Union of India as well as learned Additional
Public Prosecutor 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.

Petitioner seeks bail in connection with Special
(N.D.P.S.) Case No. 27 of 2021 arising out of F.No.
NCB/PZU/V/07/2021 registered for the offences punishable
under Sections 8(c), 20(b)(ii)(C), 25 and 29 of N.D.P.S. Act.

According to prosecution case, during vehicle
checking by the informant and other police personnel he
stopped a truck on which two persons were sitting and all the
two persons were caught hold. On search total 905 kg. Ganja



has been recovered from their possession and upon the petitioner being apprehended and the search being conducted, he also gave statement under Section 67 of the N.D.P.S. Act, 1985 voluntarily and admitted the conscious possession of 905 kg. Of Ganja recovered from the said truck.

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. The petitioner is in custody since 08.03.2021.

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 905 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*.

The F.S.L. report as well as C.R.C.L. report dated 22.06.2021 also confirms that the substance is Ganja. 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 Special Case No. 27 of 2021 arising out of F.No.NCB/PZU/V/07/2021 pending in the court of learned Sessions Judge/Special Judge, Patna. Accordingly, the same stands rejected.

(Rajesh Kumar Verma, J)

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