

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.46059 of 2021**

Arising Out of PS. Case No.-57 Year-2021 Thana- AMAS District- Gaya

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DEVLAL BHUIYAN Son of Late Tulsi Bhuiyan Resident of Village -  
Poretiya, P.S.- Jori, Distt.- Chatra.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.N. A. Shamsi

For the Opposite Party/s : Mr.Md. Aslam Ansari

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

4      10-03-2022                      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 four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Amas P.S. Case No. 57 of 2021 (NDPS Case No. 28 of 2021) registered for the offences punishable under Sections 8/ 17(c), 18(c) of the N.D.P.S. Act.

As per prosecution case, altogether 4.5 kg. opium has been recovered and from the person of the petitioner Devlal Bhuiyan 2.5 kg opium has been recovered.



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 petitioner is in custody since 05.03.2021.

The learned Additional Public Prosecutor vehemently opposed the prayer of bail and informs that FSL report also confirms that recovered article is opium. He further submits that altogether 4.5 kg. opium has been recovered.

The grant of bail in NDPS cases where the recovery of commercial quantity of narcotic is alleged is circumscribed under the NDPS Act, 1985. Section 37 of the said Act says that before grant of bail, the Court must have reason to believe that the petitioner has not committed the offence and in the event of release, he would not commit similar offence in future.

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 would not justify that the petitioner had no knowledge of the narcotic nor there is any material to substantiate that 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 Amas P.S. Case No. 57 of 2021 (NDPS  
Case No. 28 of 2021) and accordingly, the same is rejected.

**(Rajesh Kumar Verma, J)**

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