

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36374 of 2022

Arising Out of PS. Case No.-13 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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RAJ KUMAR YADAV Son of Jugeshwar Rai Resident of Village -
Jagdishpur, P.S.- Raghapur in the District of Vaishali.

... .. Petitioner/s

Versus

The Union of India through 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 : Mr.Punam Kumari Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 31-08-2022 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, 29 of N.D.P.S. Act.

Recovery is of 1223.7 Kg of Ganja.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent. He has falsely been implicated
in the present case. Further submits that in fact the petitioner is
driver of the Tank-Lory in question and the petitioner has no
concern at all with the alleged recovery. Petitioner is in custody



since 05.06.2021.

Learned counsel for the Union of India has vehemently opposed the prayer for bail of the petitioner and submits that the commercial quantity of Ganja i.e. 1223.7 Kg has been recovered from joint possession of petitioner and co-accused Kallu Sahni. Chemical Examiner, CRCL, Kolkata, vide Lab No.113-115/SZD (N) dated 08.06.2021 has confirmed the contents of the seized samples as Ganja.

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.14 of 2021(arising out of N.C.B. Crime Case No.13 of 2021) pending in the court of learned District and Sessions Judge, Begusarai.

Prayer is refused.

(Rajesh Kumar Verma, J)

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