

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50176 of 2021

Arising Out of PS. Case No.-404 Year-2019 Thana- RAXAUL District- East Champaran

HARENDER RAUT Son of Late Biswanath Raut @ Late Vishwanath Patel
Resident of Village - Katgenwa Bhawanipur, P.s.- Adapur, Distt.- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prateek Tandon, Advocate

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-03-2022 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, 22, 23 and 24 of the NDPS Act.

The prosecution case, in short, is that on 21.10.2019
informant on a secret information apprehended the petitioner and the
co-accused and recovered 24 Kg of ganja and mobiles from their
possession.

Earlier bail of the petitioner was rejected vide order dated
05.11.2020 passed in Cr. Misc. No. 20659 of 2020 with an
observation that the concerned Court is directed to expedite the trial



of the petitioner and try to conclude the same as early as possible.

It appears from the First information report that recovery of ganja is more than 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 the in the event of the 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.**

The recovery of more than commercial quantity of ganja from the possession of the petitioner it has not justified 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 grant regular bail to the petitioner. It is accordingly, rejected.

However, the trial Court is directed to expedite the trial.

(Rajesh Kumar Verma, J)

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