

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51067 of 2021

Arising Out of PS. Case No.-145 Year-2021 Thana- BIDUPUR District- Vaishali

RAKESH KUMAR son of Ram Babu Rai Resident of Village Chaksikandar,
P.S. Bidupur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar, Adv

For the Opposite Party/s : Ms.Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-04-2022 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 offences punishable under Sections 20,21,22,23 and 24 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

As per the prosecution case, 28.400 kilograms Ganja has been recovered from the possession of the petitioner and his associate.

Learned counsel for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. It appears from the FIR as well as seizure



list that altogether 28.400 Kgs of Ganja has been recovered from possession of the petitioner and other co-accused persons. Petitioner is in custody since 20.03.2021.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and submits that the prayer for bail of co-accused, namely, Raj Kumar was rejected by a Coordinate Bench of this Hon'ble Court vide order dated 25.03.2022 in Cr. Misc.No. 43930 of 2021 on the ground that the seized article 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 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**.

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 Bidupur P.S.Case No.145 of 2021
pending in the court of learned Additional Sessions Judge-I-
cum- Special Judge, N.D.P.S., Vaishali at Hajipur.

Prayer is refused.

(Rajesh Kumar Verma, J)

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