

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45586 of 2021

Arising Out of PS. Case No.-491 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

BINOD DAS S/o Chandeswar Das Resident of Village- Diwantok, P.S.-
Gangabridge, Distt- Vaishali, Bihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 45977 of 2021

Arising Out of PS. Case No.-491 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

ANITA DEVI Wife of Binod Das Resident of Village- Diwantok, P.S.-
Gangabridge, District- Vaishali, Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 54275 of 2021

Arising Out of PS. Case No.-491 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

SHAMBHU YADAV @ SHAMBHU RAY Son of Shiv Kumar Ray Resident
of Village- Haj Purba, P.S.- Jurawanpur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 45586 of 2021)

For the Petitioner/s : Mr.Ankit Kumar

For the Opposite Party/s : Mr.Dilip Kumar No. 1

(In CRIMINAL MISCELLANEOUS No. 45977 of 2021)

For the Petitioner/s : Mr.Ankit Kumar

For the Opposite Party/s : Mr.Dilip Kumar No. 1

(In CRIMINAL MISCELLANEOUS No. 54275 of 2021)

For the Petitioner/s : Mrs.Bela Singh



For the Opposite Party/s : Mrs.Dr. Indihar Kumari

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-02-2022 Heard learned counsel for the petitioners 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.

Petitioners seek bail in connection with Hajipur Sadar P.S. Case No. 491/ 2021 registered for the offences punishable under Sections 20/22/23/24/27/29 of the NDPS Act.

As per allegation, altogether 45 kg. of ganja has been recovered from possession of the petitioners and from perusal of FSL report dated 25.01.2022 it reveals that alleged contraband item is Ganja whose chief psychoactive ingredient is Tetra hydro cannabinol (THC).

Learned counsel for the petitioners submits that petitioners have clean antecedent and have committed no offence and they have falsely been implicated in the present case. Petitioners are in custody since 21.05.2021.

The learned Additional Public Prosecutor vehemently opposed the prayer of bail submitting that altogether 45 kg. ganja has been recovered from possession of the petitioners.



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 petitioners have not committed the offence and in the event of release, they 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 ganja from possession of the petitioners would not justify that the petitioners had no knowledge of the narcotic nor there is any material to substantiate that petitioners would not commit such offence in the event of release.

Hence, I am not inclined to enlarge the petitioners on bail and accordingly, the same stands rejected.

However, the learned trial court is directed to expedite the trial.

(Rajesh Kumar Verma, J)

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