

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57349 of 2021

Arising Out of PS. Case No.-60 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

PRAKASH KUMAR KURMI S/o- Madan Raut Kurmi Resident of Village-
Ward No.10, Ranighat, P.S.- Birganj, District- Parsa (Nepal).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar No.1

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court
proceeding.

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 Kuchaikote
P.S. Case No. 60 of 2021 registered for the offences punishable
under Sections 414, 420, 467, 468, 471, 34 of the IPC and
Sections 20(b)II (C), 23, 25, 29 of the NDPS Act.

As per prosecution case, 265.23 kg. of Charas
(Hashish) was recovered from a vehicle in which petitioner and
two others were found sitting.



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. It is further submitted that it appears from the FIR that 265.23 kg. of Charas (Hashish) has been recovered and petitioner is in custody since 08.02.2021.

The learned Additional Public Prosecutor vehemently opposed the prayer of bail submitting that there is recovery of huge quantity of narcotic drugs.

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 Charas (Hashish) 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 Kuchaikote P.S. Case No. 60 of 2021
and accordingly, the same is rejected.

(Rajesh Kumar Verma, J)

shahzad/-

U		T	
---	--	---	--

