

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58896 of 2021

Arising Out of PS. Case No.-114 Year-2021 Thana- KOCHAS District- Rohtas

Chhotu Kumar Son Of Munna Singh Yadav @ Munna Singh R/O Village-
Mchitaini, P.S.- Kochas, District- Rohtas

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Bhaskar Shankar, Advocate Mr. Saket Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Brajendra Nath Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-04-2022 Heard learned counsel for the petitioner 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.

Petitioner seeks bail in a case registered for the offences punishable under Sections 8, 20(b), (ii), (c), 25, 29 of N.D.P.S. Act.

Recovery is of 70 kg. Ganja from the vehicle in question.

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. He



further submits that nothing has been recovered from the conscious possession of the petitioner. The petitioner is in custody since 14.07.2021.

As per Narcotic Drugs and Psychotropic Substances Act, 1985, commercial quantity of Ganja is 20 kg. and the small quantity of Ganja is 500 gms. but the recovery in the present case is of 70 kg. Ganja which is more than the 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 and Ors., reported in 2020(12) SCC 122.

The recovery of commercial quantity of Ganja from the possession of the petitioner would not justify that the petitioner had no knowledge of narcotic nor there is any material to substantiate that the petitioner would not commit



such offence in the event of release.

Considering the aforesaid facts, I am not inclined to
enlarge the petitioner on bail in connection with Kochas P.S.
Case No. 114 of 2021 pending in the court of learned Sessions
Judge, Rohtas at Sasaram.

Prayer is refused.

(Rajesh Kumar Verma, J)

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