

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62421 of 2021**

Arising Out of PS. Case No.-154 Year-2020 Thana- AMAS District- Gaya

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Pramod Paswan Son of Ganauri Paswan Resident of Village - Pokhraha, P.S.-
Imamganj, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh
For the Opposite Party/s : Mr. Pranav Kumar

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 16-05-2022 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 N.D.P.S. Case

No. 31 of 2020 arising out of Amas P.S. Case No. 154 of 2020

registered for the offences punishable under Sections 15(c) of

NDPS Act.

Recovery is of total 191 kg. Doda (POSTA).

Learned counsel for the petitioner submits that

petitioner has clean antecedent and he 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, rather the recovery has been made from the house of the petitioner. He further submits that there is no compliance of Section 42 and Section 50 of the N.D.P.S. Act. He further submits that it appears from the F.I.R. that total 191 kg. Doda (POSTA) was recovered. Petitioner is in custody since 10.08.2021.

The learned A.P.P. has vehemently opposed the prayer for bail of the petitioner and submits that F.S.L. report confirmed that the recovered Narcotic substance is Doda (POSTA) and recovered substance 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*.



Learned counsel for the state has also informed that the bail application of Ajeet Kumar has already been rejected vide order dated 11.02.2022 passed in Cr. Misc. No.29463 of 2021.

The recovery of huge quantity of Doda (POSTA) 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 and circumstances, I am not inclined to grant the privilege of bail to the petitioner in connection with N.D.P.S. Case No. 31 of 2020 arising out of Amas P.S. Case No. 154 of 2020 pending in the court of learned Additiional Sessions Judge-Ist, Gaya. Accordingly, the same stands rejected.

(Rajesh Kumar Verma, J)

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