

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76232 of 2019**

Arising Out of PS. Case No.-17 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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PRADEEP YADAV @ PRADIP YADAV Son of Late Nandi Yadav Resident
of Village-Pratapgarh, P.S-East Agaratala, District-West Tripura, State Tripura

... .. Petitioner/s

Versus

The Union of India through N.D.P.S. Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr.Adv.
	:	Mr. Anuj Kumar,Adv
For the Opposite Party/s	:	Mr.Awadhesh Pandey, Sr.G.C.

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

7 27-04-2022 Heard learned counsel for the petitioner and the

learned counsel for the Union of India.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 8/20C of N.D.P.S. Act.

Recovery is of 1115 Kg of Ganja.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent. He has falsely been implicated
in the present case. He further submits that Section 50 of the
NDPS Act has not been followed in the present case. It appears
from the FIR that 1115 Kg of Ganja has been recovered from
the Truck in question. He further submits that nothing has been
recovered from conscious possession of the petitioner and the
petitioner is in custody since 31.03.2018.



Learned counsel appearing for Union of India has vehemently opposed the prayer for bail of the petitioner and submits that the F.S.L. Report confirms that the recovered article is Ganja.

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 the Truck in question and 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 Special Case No.26 of 2018 arising out of N.C.B./PZU/V/17/2018 pending in the court of learned



A.D.J.-VII, Patna.

Prayer is refused.

Learned Trial Court is directed to expedite the trial.

(Rajesh Kumar Verma, J)

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