

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8007 of 2023

Arising Out of PS. Case No.-3 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

AKHILESH KUMAR Son of Ramavriksha Ray R/O Village - Saidabad,
Ward No.- 03, P.S.- Raghobpur, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rina Sinha, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-07-2023 Heard learned counsel for the petitioner learned APP
for the State.

Petitioner seeks bail who is in custody since
22.01.2022 in connection with N.D.P.S. Case No. 18 of 2022
arising out of NCB Patna Case No. 03 of 2022 for the offences
punishable under Sections 8(c) read with 20(b)(ii)(c) and 25 &
29 of the N.D.P.S. Act.

The case relates to recovery of 297 Kgs. of *Ganja*.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that it appears
from the F.I.R. as well as seizure list that 297 Kgs. of *Ganja* has
been recovered from the Auto in question and nothing has been



recovered from the possession of the petitioner. He further submits that there is non compliance of Section 42 and 50 of the N.D.P.S. Act.

Learned Additional Public Prosecutor on the other hand vehemently opposed the prayer for bail of the petitioner and submits that the F.S.L. report confirms that the recovered contraband is *Ganja* and the recovered contraband is more than the commercial quantity, so there is embargo under Section 37 of the N.D.P.S. Act.

The grant of bail in NDPS cases where the recovery of commercial quantity of narcotic is alleged is circumscribed under Narcotic Drugs and Psychotropic Substance 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** as well as in the case of **Narcotic Control Bureau Vs. Mohit Aggarwal** reported in **AIR 2022 SC 3444** and **Union of India vs. Ajay Kumar Singh @ Pappu** reported in **2023 SCC OnLine SC 3456** dated



28.03.2023.

The recovery of huge quantity of *Ganja* recovered 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 N.D.P.S. Case No. 18 of 2022 arising out of NCB Patna Case No. 03 of 2022, pending in the Court of learned Sessions Judge/Special Judge, Patna.

Prayer is refused

(Rajesh Kumar Verma, J)

Ibrar//-

U			
---	--	--	--

