

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23920 of 2023

Arising Out of PS. Case No.-37 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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BIRESH PATEL S/O ACHHELAL RAUT R/O VILLAGE- NAYAK TOLA,
P.S-HARPUR, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

1. The State of Bihar
2. THE UNION OF INDIA THROUGH ZONAL DIRECTOR, NARCOTICS
CONTROL BUREAU BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.III, Advocate
For the Union of India : Mrs. Shail Kumari, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 12-04-2023 Heard the learned counsel for the

petitioner and the learned APP for the State.

The present petition is by way of third attempt at the behest of the petitioner for grant of bail in connection with N.D.P.S. Case No. 43 of 2018, arising out of N.C.B. Case No. PZU/V/37/2018, for the offences punishable under Sections 20 & 23 of the N.D.P.S. Act, 1985, inasmuch as the earlier petitions filed by the petitioner for grant of bail have all stood rejected.

The allegations are regarding recovery of 7.6 kg. Charas from the possession of the



petitioner apart from recovery of Indian & Nepali currency notes and a mobile phone, after the S.S.B. personnel had apprehended the petitioner and conducted a search of his bag.

The learned counsel for the petitioner has submitted that the petitioner is languishing in custody since 09.08.2018 and there is no possibility of completion of the trial in near future, hence the petitioner be granted the privilege of bail.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail and has submitted that 7.6 kg. Charas has been recovered from the possession of the petitioner, which is commercial quantity as defined in the Schedule notified under the provisions of the N.D.P.S. Act, 1985, hence it would not be appropriate to grant bail to the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned counsel for the parties and taking into account the materials



available on record, this Court finds that there is no change in circumstance so as to warrant re-consideration of the prayer of the petitioner for grant of bail apart from bearing in mind the stringent provisions contained in Section 37 of the N.D.P.S. Act, 1985, hence I do not find any merit in the present petition, thus the same stands dismissed.

(Mohit Kumar Shah, J)

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