

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22074 of 2023

Arising Out of PS. Case No.-279 Year-2022 Thana- BAISI District- Purnia

MANTU KUMAR @ JAY PRAKASH SINGH son of Late Ram Nagina
Singh Village- Babuganj English P.S.- Sikraul Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Neeraj Kumar Alias Sanidh, Advocate
For the Opposite Party/s : Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-07-2023 Heard learned senior counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
04.01.2023 in connection with Baisi P.S.Case No.279 of 2022
(Special Case No.01 of 2023 (N.D.P.S), F.I.R. dated 12.07.2022
registered for the offence punishable under Sections 8/20(b)(ii)
(c)25/28/29 of ND.P.S.Act.

3. Recovery is of 456 Kg 600 Gms of Ganja.

4. Learned senior counsel for the petitioner submits
that the petitioner has falsely been implicated in the present
case. Further submits that from bare perusal of the FIR as well
as the seizure list that nothing has been recovered from
conscious possession of the petitioner rather the recovery has
been made from the Car and Truck in question and the petitioner



has no concern at all with the alleged recovery of contraband.

5. Learned APP for the State, on the basis of the material available on the record and the case diary, has vehemently opposed the prayer for bail of the petitioners and submits that altogether 456 Kg 600 Gms of contraband was recovered. Further submits that the petitioner carries one more case other than the present one but fairly submits that the petitioner is on bail in the said case, as mentioned in para-3 of the bail petition.

6. 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 the petitioner has not committed the offence and in the event of release he would not commit similar offence.

7. 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** as well as in the case of **Narcotic Control Bureau Vs. Mohit Aggarwal** reported in **AIR 2022 SC 3444** and recently decided the judgment in the case of **Union of India Vs. Ajay Kumar Singh @ Pappu**,



reported in **2023 SCC OnLine SC 346.**

8. The recovery of huge quantity of Ganja from possession of the 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.

9. Considering the aforesaid facts, recovered contraband is more than the commercial quantity so there is embargo under Section 37 of the ND.P.S. Act, I am not inclined to enlarge the petitioner on bail in connection with Baisi P.S.Case No.279 of 2022 (Special Case No.01 of 2023 (N.D.P.S) pending in the court of learned Special Judge, N.D.P.S. Act, Purnea.

10. Prayer is refused.

(Rajesh Kumar Verma, J)

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