

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37045 of 2022

Arising Out of PS. Case No.-15 Year-2022 Thana- BEUR District- Patna

Ravindra Singh Son Of Late Ramji Singh Resident Of Village- Dashratha
Pain (Sipara), P.S.- Beur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Patel, Advocate

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 24-02-2023 Learned counsel for the petitioner is permitted to
remove the defects, as pointed out by the office, if any, within a
period of four weeks from today.

Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sectionss 411, 34 of the Indian Penal
Code and Sections 8, 20(b)(ii)(c) and 22(c) of the N.D.P.S. Act.

Recovery is of 65.500 Kg of *Ganja*.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that it appears
from the F.I.R. as well as seizure list that altogether 65.500 Kg.
of *Ganja* has been recovered from the house of co-accused



Dipak Kumar where the petitioner was present with the alleged substance.

Vide order dated 24.01.2023, FSL report was called for and the FSL report confirms that the recovered contraband is *Ganja* and 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 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** as well as in the case of **Narcotic Control Bureau Vs. Mohit Aggarwal reported in AIR 2022 SC 3444.**

The recovery of huge quantity of *Ganja* from the 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.

Hence, I am not inclined to enlarge the petitioner on bail in connection with Special Case No. 05 of 2022 arising out of Beur P.S. Case No. 15 of 2022 pending in the Court of learned District & Sessions Judge/Special Judge, Patna.

Prayer is refused.

(Rajesh Kumar Verma, J)

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