

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43339 of 2023

Arising Out of PS. Case No.-390 Year-2019 Thana- UDWANTNAGAR District- Bhojpur

BABLU SINGH @ BABLU KUMAR @ BABLU KUMAR SINGH Son of
Bindeshwar Singh @ Dineshwar Singh Resident of village - Ama
Mahmoodpur, P.S.- Udawantnagar (Gajrajganj), District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta, Adv.

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 09-08-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.
2. Petitioner seeks bail, who is in custody since 17.01.2022
in connection with Udawantnagar (Gajrajganj O.P.) P.S. Case No.
390/2019, N.D.P.S. Case No.15/2019, F.I.R. dated 04.10.2019, for
the offences punishable under Sections 8(20)(b)(ii)(c) of NDPS Act.
3. The accusation is of recovery of 31 Kilograms of Ganja
from the house of the petitioner.
4. Learned counsel for the petitioner submits that earlier
the bail petition of the petitioner was rejected vide order dated
20.09.2022 in Cr. Misc. No. 33394 of 2022. Learned counsel for the
petitioner submits that from perusal of the F.I.R. as well as seizure
list, it appears that 31 kg of Ganja has been recovered from the house
of the petitioner.
5. Vide order dated 19.07.2023 a report was called for



from the learned Trial Court. Report dated 27.07.2023 of the learned Trial Court reveals that the charge has been framed against the petitioner on 11.11.2020 against the petitioner and other accused persons and one witness namely Manish Kumar has been examined on 17.02.2023.

6. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that it appears from the report of learned trial court that the trial is going on and the recovered contraband is more than the commercial quantity and F.S.L. report also confirms that the recovered contraband is Ganja, so, there is embargo under section 37 of the NDPS Act.

7. 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.

8. 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**, **Narcotic Control Bureau Vs. Mohit Aggarwal**, reported in **AIR 2022 SC 3444** and **SLP (CRL) No.2351 of 2023 (Union of India Vs. Ajay Kumar Singh @ Pappu)** dated 28.03.2023.



9. 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. Hence, I am not inclined to enlarge the petitioner on bail in connection with Udawantnagar (Gajrajganj O.P.) P.S. Case No. 390/2019, N.D.P.S. Case No.15/2019, pending in the court of learned Sessions Judge, Bhojpur at Ara.

10. Prayer is refused.

11. However, the learned Trial Court is directed to expedite the trial and conclude the same at the earliest.

(Rajesh Kumar Verma, J)

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