

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42638 of 2023

Arising Out of PS. Case No.-363 Year-2022 Thana- DAGARUA District- Purnia

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SANJIT KUMAR SINGH @ SUJIT KUMAR SINGH Son of Mahesh Singh
Resident of village - Bajitpur, ward no. 6, P.S. - Bidupur, Distt. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shivjee Singh, Advocate

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-08-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 18.11.2022, in connection with Dagarua P.S. Case No.363 of 2022,F.I.R. dated 18.11.2022 registered for the offences under Sections 8, 20(B) (ii)(c), 25, 29 of the Narcotic Drugs and Psychotropic Substance Act.

3. As per prosecution case, total recovery of 54 kg. ganja has been made from the vehicle which was driven by the petitioner.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that from a 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 vehicle in question and altogether 54 kg. of ganja has been recovered from the vehicle in question. Learned counsel for the petitioner submits that there is non-compliance of Section 50 of the N.D.P.S. Act and the petitioner is driver of the vehicle in question and he has no concern at all with the alleged recovery of contraband.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the recovered contraband is more than the commercial quantity and F.S.L. report confirms that the recovered contraband is Ganja.

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, I am not inclined to enlarge the petitioner on bail in connection with Dagarua P.S. Case No.363 of 2022 pending in the court of learned Special Judge, N.D.P.S. Act, Purnea.

10. Prayer is refused.

(Rajesh Kumar Verma, J)

Nitesh/-

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