

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56480 of 2023

Arising Out of PS. Case No.-154 Year-2020 Thana- AMAS District- Gaya

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Pramod Paswan S/O Ganauri Paswan R/O Village- Pokhrahah, P.S- Kothi,
Distt.- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh, Advocate

For the Opposite Party/s : Ms. Shaheen Begum, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 08-12-2023 Heard Mr. Prithvi Raj Singh, learned counsel for the

petitioner and Ms. Shaheen Begum, learned APP for the State.

2. Petitioner seeks bail who is in custody since
11.08.2021 in connection with Amas P.S. Case No. 154 of 2020
for the offences punishable under Sections 15(C) of the N.D.P.S.
Act, 1985.

3. Earlier the bail application of the petitioner has been
rejected vide order dated 16.05.2022 passed in Cr. Misc. No.
62421 of 2021.

4. Recovery is of 191 kg of Doda.

5. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that as per the
allegation in the F.I.R. altogether 191 kg of Doda (Posta) has



been recovered from the pickup in question. He further submits that it is admitted position that the petitioner is the owner of the pickup van in question. He further submits that there is non-compliance of Sections 42 and 50 of the NDPS Act.

6. Learned Additional Public Prosecutor on the other hand vehemently opposed the prayer for bail of the petitioner and submits that the F.S.L. report confirms that the recovered contraband is Doda(Posta) and the recovered contraband is more than the commercial quantity, so there is embargo under Section 37 of the N.D.P.S. 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 Substance 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 and 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 **Union of India vs. Ajay Kumar Singh**



@ Pappu reported in 2023 SCC OnLine SC 3456 dated 28.03.2023.

9. The recovery of huge quantity of Doda recovered 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.

10. Hence, I am not inclined to enlarge the petitioner on bail in connection with Amas P.S. Case No. 154 of 2020 pending in the Court of learned Additional Sessions Judge 1st Gaya.

11. Prayer is refused.

(Rajesh Kumar Verma, J)

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