

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58499 of 2023

Arising Out of PS. Case No.-57 Year-2021 Thana- AMAS District- Gaya

1. Govind Kumar @ Govind Kumar Yadav Son Of Late Bajo Yadav Village-Postiya, PS- Jori, Dist- Chatra (DIST- Jharkhand)
2. Devlal Bhuyan Paswan @ Devlal Bhuiyan Son Of Tulsi Bhuiyan Village-Postiya, PS- Jori, Dist- Chatra (DIST- Jharkhand)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.N.K.Agrawal, Sr. Advocate
Mr.Sudhir Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-10-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. Petitioners seek bail, who is in custody since 05.03.2021, in connection with Amas PS Case No. 57 of 2021, FIR dated 04.03.2021 registered for the offences punishable under Sections 8, 17(C), 18(C) of the Narcotic Drugs and Psychotropic Substances Act.

3. Earlier, the bail application of the petitioners were rejected vide order dated 10.03.2022 passed in Cr. Misc. No. 46420 of 2021 and Cr. Misc. No. 46059 of 2021 respectively. Thereafter, petitioner no. 1 again moved before this court for regular bail which was rejected by this court vide order dated



11.01.2023 passed in Cr. Misc. No. 59909 of 2022.

4. Learned senior counsel for the petitioners submits that although recovery has been made from possession of the petitioners, but there is no progress in trial. Petitioners are in custody since 05.03.2021.

5. Learned counsel for the State on the other hand vehemently opposes the prayer for bail and submits that altogether 4.5 Kg. of Opium has been recovered from possession of the petitioners which is more than the commercial quantity.

6. The grant of bail in NDPS cases where the recovery of commercial quantity of narcotic is alleged is circumscribed under the NDPS Act, 1985. Section 37 of the said Act 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 in future.

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**.

7. Considering the facts and circumstances of the case and recovery of huge quantity of narcotic substance, I am not



inclined to enlarge the petitioners above-named on bail in connection with Amas P.S. Case No. 57 of 2021 pending in the court of learned Additional Sessions Judge Ist, Gaya. Accordingly, the prayer for bail is refused.

(Rajesh Kumar Verma, J)

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