

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56243 of 2022

Arising Out of PS. Case No.-56 Year-2022 Thana- JADOPUR District- Gopalganj

Manoj Ray S/O Bilat Ray Resident Of Village- Chandpur, Ward No- 5, P.S.-
Raghopur, District Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Narayan, Sr. Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 23-06-2023 Heard Mr. Rajendra Narayan, learned Senior counsel
for the petitioner learned APP for the State.

Petitioner seeks bail who is in custody since
06.04.2022 in connection with Trial No. 25 of 2022 arising out
of Yadavpur P.S. Case No. 56 of 2022 for the offences
punishable under Sections 8/ 20(b)(ii)(C) of the N.D.P.S. Act.

The case relates to recovery of 370 Kg. of Ganja from
five different vehicles.

Learned Senior counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that it appears from the F.I.R.
as well as seizure list that nothing has been recovered from the
conscious possession of the petitioner but altogether 370 Kg. of
Ganja was recovered from five different vehicles and the



petitioner was apprehended at the spot.

Learned Additional Public Prosecutor on the other hand on the basis of material available on record and case diary vehemently opposed the prayer for bail of the petitioner and submits that the F.S.L. report confirms that the recovered contraband is Ganja which is more than the commercial quantity so there is embargo under Section 37 of the N.D.P.S. Act and apart from that the petitioner has carried five more cases in which one case relates to N.D.P.S matter.

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.

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.

The recovery of huge quantity of Ganja 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.

Hence, I am not inclined to enlarge the petitioner on bail in connection with Trial No. 25 of 2022 arising out of Yadavpur P.S. Case No. 56 of 2022, pending in the Court of learned Sessions Judge, Gopalganj.

Prayer is refused.

(Rajesh Kumar Verma, J)

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