

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63597 of 2023

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

Ajeet Kumar S/O Munarik Yadav R/O Village- Ishagunj, Ps. Kothi, Dist. Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-10-2023 Heard Mr.Sudhir Kumar Sinha,learned counsel for the petitioner and Mr.Chandra Sen Prasad Singh, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 20.10.2020 in connection with Amas P.S. Case No. 154 of 2020, FIR dated 03.08.2020 registered for the offence punishable under Section 15(C) of N.D.P.S. Act.

3. Earlier the prayer for bail of the petitioner was rejected thrice vide orders dated 11.02.2022, 19.10.2022 and 19.07.2023 passed in Cr. Misc. Nos. 29463 of 2021, 53996 of 2022 and 45929 of 2023 respectively.

4. As per allegation in the FIR, altogether 191 Kg of Doda was recovered.

5. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the



present case merely on the basis of suspicion. Petitioner is not named in the F.I.R. and he is in custody since 20.10.2020. Further submits that there is no progress in the trial.

6. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that from a bare perusal of the FIR as well as the seizure list that altogether altogether 191 Kg of Doda was recovered from the vehicle in question and the petitioner is said to be the driver of the vehicle in question and the recovered contraband is more than the commercial quantity.

7. Earlier the prayer for bail of the petitioner was rejected on merits and since the quantum of recovery of Doda, which is a poppy straw and the recovered contraband falls under the purview of commercial quantity and this Court intends to refer Section 37 of the NDPS Act.

8. 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.



9. 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**.

10. The recovery of huge quantity of Doda 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.

11. Considering the aforesaid facts, 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 District and Sessions Judge, Gaya.

12. Prayer is refused.

13. 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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