

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61645 of 2022

Arising Out of PS. Case No.-279 Year-2022 Thana- BAISI District- Purnia

Arvind Kumar S/o Panchanand Singh, Resident of Village- Dhaneja Ward
No- 13, P.S.- Sikraul, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 69492 of 2022

Arising Out of PS. Case No.-279 Year-2022 Thana- BAISI District- Purnia

Bachacha Lal Paswan, Son of Late Jagrupan Paswan, Resident of Village-
Fakira, Ward No.- 3, P.S.- Kargahar, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 74061 of 2022

Arising Out of PS. Case No.-279 Year-2022 Thana- BAISI District- Purnia

Ramjee S/o Rajnath Singh, Resident of Village- Gobindpur, Ward No- 2, P.S.-
Nathnagar, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 5256 of 2023

Arising Out of PS. Case No.-279 Year-2022 Thana- BAISI District- Purnia

Dhrub Kumar @ Dhiraj Kuma @ Dhiraj Kumar @ Dhruv Kumar S/o Heera
Singh R/v- Haroja, Ward No. 14, P.S.- Sikroul Lakh, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar



... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 6027 of 2023

Arising Out of PS. Case No.-279 Year-2022 Thana- BAISI District- Purnia

Upwan Kumar @ Ratan Kumar @ Upwan Kumar Sriwastva Son of Anil Kumar Srivastava @ Anil Kumar Sinha Resident of Village- Gogohai, P.S.- Dhansoin, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 61645 of 2022)

For the Petitioner/s : Mr. Mohit Shrivastava, Adv.

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 69492 of 2022)

For the Petitioner/s : Mr. Manoj Kumar Singh, Adv.

For the Opposite Party/s : Mr. Dashrath Mehta, APP

(In CRIMINAL MISCELLANEOUS No. 74061 of 2022)

For the Petitioner/s : Mr. Rudrank Shivam Singh, Adv.

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

(In CRIMINAL MISCELLANEOUS No. 5256 of 2023)

For the Petitioner/s : Mr. Rudrank Shivam Singh, Adv.

For the Opposite Party/s : Mr. Arvind Kumar Pandey, APP

(In CRIMINAL MISCELLANEOUS No. 6027 of 2023)

For the Petitioner/s : Mr. Rudrank Shivam Singh, Adv.

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 8 21-07-2023 1. Heard Mr. Sanjay Singh, learned Senior counsel assisted by Mr. Mohit Shrivastava, learned counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. Petitioners seek bail, who are in custody since 13.07.2022 in connection with Baisi P.S. Case No.279/2022, dated 12.07.2022, registered for the offences punishable under



Sections 8/20(b)(ii)(c)25/28/29 of the N.D.P.S. Act.

3. According to prosecution case, total 456.600 kilogram of ganja has been recovered from the Scorpio and container in question, in which the petitioners were sitting.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that from bare perusal of the F.I.R. as well as seizure list, it appears that nothing has been recovered from the conscious possession of the petitioners rather the recovery has been made from the Scorpio and one container. He further submits that altogether 50.800 kilograms of ganja has been recovered from the Scorpio in question and 405.800 kilograms of ganja has been recovered from the container in question and the petitioners were sitting in the Scorpio in question. He further submits that in fact, the petitioners went to Darjeeling and while returning from there they met with the other persons boarded in the Scorpio and they offered a lift to the petitioners. He further submits that the petitioners have no concern at all with the alleged recovery of contraband and there is non-compliance of Section 42 and 50 of the N.D.P.S. Act.

5. Learned Additional Public Prosecutor for the State



on the other hand on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioners and submits that altogether 456.6 kilograms of ganja has been recovered from the Scorpio as well as container in question and the petitioners were sitting in the Scorpio in question and it has come during investigation that the petitioners have actively participated in the present occurrence and the F.S.L. report also confirms that the recovered contraband is ganja.

Result of examination:-

“The dry, pressed, greenish brown, flowering and fruiting vegetative like substances contained in the yellow paper envelope marked P1 to P165 respectively as described above was found to be GANJA containing Tetra Hydro Cannabinol (T.H.C.) as their chief intoxicating ingredient.

Ganja is the flowering and fruiting tops of the female plant of cannabis sativa.”

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 petitioners have not committed the offence and in the event of release they 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 & Ors**, reported in **2020 (12) SCC 122, Narcotic Control Bureau Vs. Mohit Aggarwal**, reported in **AIR 2022 SC 3444** and **SLP (CRL) No.2351 of 2023 (Union of India Vs. Ajay Kumar Singh @ Pappu)** dated **28.03.2023**. The recovery of huge quantity of Ganja from possession of the petitioners would not justify that the petitioners had no knowledge of the narcotic nor there is any material to substantiate that the petitioners would not commit such offence in the event of release. Hence, I am not inclined to enlarge the petitioners on bail in connection with Baisi P.S. Case No.279/2022, pending in the court of learned Special Judge, N.D.P.S. Act, Purnea.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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