

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71683 of 2022**

Arising Out of PS. Case No.-232 Year-2018 Thana- KRITYANAND NAGAR District-
Purnia

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SARWAJIT KUMAR @ SARVJEET KUMAR Son of Das Narayan Sah
Resident of Village - Milki, Rangpura, P.S.- Mirganj, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijendra Kumar Singh,Advocate
For the Opposite Party/s : Mr.Dr. Ajeet Kumar,APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

5 21-08-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
29.03.2022 in connection with Suppl. Special Trial No.08 of
2018/CIS No.16 of 2018 arising out of K.Nagar (Maranga) P.S.
Case No. 232 of 2018 registered for the offence punishable
under Sections 20/22 of N.D.P.S. Act.

3. Recovery is of 156 kilograms and 615 grams of
Ganja.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. Further submits that it appears
from the FIR as well as the seizure list that altogether 156



kilograms and 615 grams of Ganja has been recovered from the vehicle in question and the house of co-accused, namely, Shyam Lal Yadav and the petitioner has been implicated in this case on the basis that one stamp paper which was found in the vehicle in question which suggests that the Car in question transferred in the name of the petitioner.

5. 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 156 kilograms and 615 grams of Ganja has been recovered from the Car in question and the house of co-accused, namely, Shyam Lal Yadav and the recovered contraband is more than the commercial quantity and F.S.L. report confirms that the recovered contraband is Ganja.

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 the petitioner has not committed the offence and in the event of release he would not commit similar offence.

7. 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**.

8. The recovery of huge quantity of Ganja 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.

9. Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Suppl. Special Trial No.08 of 2018/CIS No.16 of 2018 arising out of K.Nagar (Maranga) P.S. Case No. 232 of 2018 pending in the court of learned Special Judge, N.D.P.S. Act, Purnea.

10. Prayer is refused.

(Rajesh Kumar Verma, J)

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