

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71951 of 2022

Arising Out of PS. Case No.-222 Year-2020 Thana- DURGAWATI District- Kaimur (Bhabua)

BHAGWANI DEVI @ MALKIN @ BHAGMANI DEVI Wife of Angad
Singh Resident of village - Bhabua Ward No.- 9, Chhawani Muhalla, P.S.-
Bhabua, District - Kaimur (Bhabua).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Pathak, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 15-02-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 8/20(b)(ii)(C) /22/27(A) of N.D.P.S. Act.

Earlier the prayer for bail of the petitioner was refused
vide order dated 16.05.2022 passed in Cr. Misc. No.22866 of
2021.

It appears from the FIR as well as seizure list that 390
Kilograms of Ganja has been recovered apart from that electric
balancing machine and machine for its counting currency also
recovered and F.S.L. Report also confirms that the recovered
contraband is Ganja.

Learned A.P.P. for the State has vehemently opposed



the prayer for bail of the petitioner and submits that the recovered narcotic is Ganja and the same is more than the commercial quantity.

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 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 & 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**.

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.

Hence, I am not inclined to enlarge the petitioner on bail in connection with N.D.P.S.Reg. No.29 of 2020(arising out



of Durgawati P.S. Case No.222 of 2020) pending in the court of
learned Addl. District and Sessions Judge-1st-cum-Special
Judge, Kaimur at Bhabhua.

Prayer is refused.

(Rajesh Kumar Verma, J)

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