

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3731 of 2023

Arising Out of PS. Case No.-17 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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Gautam Kumar @ Gautam Singh S/O Awadhesh Singh Resident of village-
Parsawan, P.S.- N.T.P.C.- Barh, District- Patna.

... .. Petitioner/s

Versus

1. The Union Of India Through Narcotics Control Bureau, Patna Zonal Unit,
Patna. New Delhi.
2. The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey, Advocate

For the Union of India : Mr. Manoj Kumar Singh, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-03-2023 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the Union of India.

Let the defects, as pointed out by the office, be
removed within a period of four weeks.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 8(c), 20(b) (ii) (c) and 29 of
the N.D.P.S. Act.

Earlier the bail petition of the petitioner was rejected
vide order dated 01.02.2022 passed in Cr. Misc. No. 31314 of
2021.

As per prosecution case, altogether 750 kg. ganja has
been recovered from the oil tanker.



Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that petitioner is in custody since 24.08.2019.

The grant of bail in NDPS cases where the recovery of commercial quantity of narcotic is alleged is circumscribed under the NDPS Act, 1985. Section 37 of the said Act 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 in future.

Vide order dated 25.01.2023 a report was called with regard to the stage of trial. Report dated 13.03.2023 reveals that the record is at the stage of framing of charge.

Learned counsel for the Union of India vehemently opposed the prayer of bail of the petitioner and submits that the recovered contraband is more than the commercial quantity.

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.**

The recovery of huge quantity of ganja would not



justify that the petitioner had no knowledge of the narcotic nor there is any material to substantiate that 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 Special Case No. 102 of 2019 arising out of F. No. NCB/P2U/V-17/19 P.S. Government Official Camp, District- Patna pending in the court of learned Additional Sessions Judge-VIII, Patna.

However, the learned Trial Court is directed to expedite the trial

(Rajesh Kumar Verma, J)

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