

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5909 of 2024

Arising Out of PS. Case No.-27 Year-2021 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Patna

=====

JAGDISH RAY S/O- RAM PRATAP RAY R/O- VILLAGE- JUDAVANPUR,
P.S.- RAGHOPUR, DIST.- VAISHALI

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. THE UNION OF INDIA THROUGH NCB, PATNA, BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Dhirdyuti Kumar Verma, Advocate
For the State	:	Mr. Md. Aslam Ansari, APP
For the Union of India (NCB):		Mr. Ram Anurag Singh, CGC

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 23-02-2024 Heard Mr. Dhirdyuti Kumar Verma, learned counsel
for the petitioner and Mr. Md. Aslam Ansari, learned APP for the
State as well as Mr. Ram Anurag Singh, learned Cendtral
Government Counsel appearing on behalf of Union of India..

2. Petitioner seeks bail, who is in custody since
27.04.2022, in connection with Special Case No. 182 of 2021,
arising out of NCB Case No. 27 of 2021 dated 22.11.2021
registered for the offences punishable under Sections 8(C) read
with Section 20(b)(ii)(C)25 and 29 of the N.D.P.S. Act.

3. Earlier the bail petition of the petitioner was
rejected vide order dated 23.02.2023 passed in Cr. Misc. No.
51123 of 2022.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and he has been falsely implicated in the present case. He further submits that the petitioner has been made accused on the basis of the C.D report.

5. Learned counsel appearing on behalf of the Union of India as well as learned APP for the State, vehemently opposed the prayer for bail of the petitioner. Learned counsel for the Union of India has filed a counter affidavit stating therein that C.D. report of the petitioner suggests that the petitioner was in touch with other co-accused person and he has received 159 calls from the other co-accused person, 74 calls received from the other co-accused person and 59 calls received from the other co-accused persons namely Tetri Devi and Ranjan Kumar Ray and there are ample evidence has come during investigation to suggest the involvement of the petitioner in the present occurrence. Further submits that a huge quantity to the extent of 311.600 Kgs. of Ganja falling within the purview of commercial quantity has been recovered and the recovered contraband is more than the commercial quantity, so there is embargo under Section 37 of the N.D.P.S. Act and FSL report also confirms that the recovered contraband is *Ganja*. and apart from that the petitioner is also accused in Special Case No. 77 of 2017 arising out of Kotwali P.S. Case No. 261 of 2017.

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 Substance 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.

7. 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** and **Union of India vs. Ajay Kumar Singh @ Pappu** reported in **2023 SCC OnLine SC 3456** dated 28.03.2023.

8. The recovery of huge quantity of *Ganja* recovered 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. Hence, I am not inclined to enlarge the petitioner on bail in connection with Special Case No. 182 of 2021 arising out of NCB Case No. 27 of 2021, pending in the Court of learned Additional Sessions Judge, Patna.

10. Prayer is refused.

Ibrar//-

(Rajesh Kumar Verma, J)

U		T	
---	--	---	--

