

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16599 of 2024

Arising Out of PS. Case No.-18 Year-2023 Thana- D.R.I District- Patna

CHANDRA BHUSHAN SINGH @ CHANDRA BHUSHAN YADAV SON
OF KRISHNA SINGH R/O-HARDAYPUR (ITAH I TOLA) P.S.-BIHIYA,
DISTT.-BHOJPUR

... .. Petitioner/s

Versus

1. THE UNION OF INDIA THROUGH N.D.P.S. BIHAR
2. THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Singh
For the DRI	:	Mr. Anshuman Singh, Sr. SC. DRI
		Mr. Ranjay Kumar, Adv.
For the Opposite Party/s :		Mr.K.N.Singh(A.S.G)

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 24-07-2024 Heard learned counsel for the petitioner and
learned A.P.P for the State.

2. The petitioner has preferred this application for
grant of regular bail in connection with F.No.
DRI/L2U/PRU/718(ii) EN9-18/2023 and D.R.I. Patna Unit
No. 08 of 2023-24 dated 02.07.2023 registered for the
offence/s punishable u/s 20(b)(ii)(C)25 and 29 of N.D.P.S.
Act.

3. As per the prosecution case, total 63.100 kgs.
Ganja was recovered from the Tata Ace vehicle.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is neither the owner nor the driver of the said vehicle. The petitioner has no concern with the alleged recovery. It is further submitted that the DRI official has forcibly took the signature of the petitioner on blank paper and thereafter recorded his statement. The petitioner is not the owner of the said vehicle. The petitioner was not apprehended on the spot. The name of the petitioner has sprung up in the confessional statement of the apprehended co-accused. The petitioner has one criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 03.07.2023.

5. Learned counsel appearing for the DRI as well as learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner. The seized contraband is commercial quantity i.e. 63.100 kgs Ganja and the petitioner has no any valid authorization for keeping the same. It is further stated that the petitioner was arrested outside the campus of Directorate of Revenue Intelligence, Patna thereafter, he confessed before the DRI official that he himself is the owner of the seized vehicle which he bought from another person



and made an agreement of the seized vehicle in the name of one Lalbabu Yadav. The petitioner has further confessed that he did not transfer the said vehicle in his name from the DTO office.

6. As per Section 37 of the N.D.P.S. Act, the two conditions are that the Court should be satisfied with :-

(i) There are reasonable grounds for believing that the accused is not guilty of such offence; and

(ii) He is not likely to commit any offence while on bail.

7. If either of these two conditions is not satisfied, the bar operates and the accused cannot be released on bail. The Court is of the opinion that the parameters of bail available under Section 37 of the Act have not satisfied in the facts of the instant case. The Hon'ble Supreme Court in the case of ***Narcotics Control Bureau v. Mohit Aggarwal 2022 SCC OnLine SC 891*** has held that “*The length of the period of his custody or the fact that the charge-sheet has been filed and the trial has commenced are by themselves not considerations that can be treated as persuasive grounds for granting relief to the respondent under Section 37 of the N.D.P.S. Act.*”



8. Considering the aforesaid facts and circumstances of the case as well as the recovery of commercial quantity of Ganja from the conscious possession of the petitioner, I am not inclined to enlarge the petitioner on bail.

9. The application stands rejected.

(Chandra Prakash Singh, J)

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