

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25312 of 2024

Arising Out of PS. Case No.-279 Year-2022 Thana- BAISI District- Purnia

Bachcha Lal Paswan Son Of Jagrupan Paswan Resident Of Village- Fakira
Ward No. 3, Ps- Kargahar, Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Advocate

For the Opposite Party/s : Mr.Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-05-2024 Heard Mr.Anuj Kumar, learned counsel for the
petitioner and Mr.Dr. Ajeet Kumar, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
13.07.2022 in connection with Baisi P.S. Case No. 279 of 2022,
F.I.R. dated 12.07.2022 registered for the offence punishable
under Sections 8,20(b)(ii)(c),25,28,29 of NDPS Act.

3.Earlier the prayer for bail of the petitioner was
rejected vide order dated 21.07.2023 passed in Cr. Misc.
No.69492 of 2022 and the petitioner has again moved before
this Court Cr. Misc. No.8425 of 2024 which was disposed of
vide order dated 02.02.2024 with liberty to move before the
learned court below.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent. He has falsely



been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Further submits that it appears from the FIR as well as the seizure list that altogether 456.600 kilogram of Ganja has been recovered from the Scorpio and container in question. Although, the petitioner was sitting in the Scorpio alongwith co-accused persons but the petitioner is neither the driver nor the owner of the vehicle in question and there is non-compliance of Sections 42 and 50 of the NDPS Act.

5. Learned APP for the State, on the other hand, has opposed the prayer for bail of the petitioner and submits that the petitioner was apprehended alongwith other co-accused persons and altogether 456.600 kilogram of Ganja has been recovered from the Scorpio and container in question and FSL report also confirms that the recovered contraband is Ganja.

6. Vide order dated 27.03.2024, a report was called for with regard to the present status of the trial. Report of the learned Trial Court dated 15.04.2024 reveals that out of five chargesheet witnesses, two witnesses have been examined.

7. 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.

8. 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**.

9. 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.

10. Considering the gravity of offence as well as report of the learned Trial Court, I am not inclined to enlarge the petitioner on bail in connection with Baisi P.S. Case No. 279 of 2022 pending in the court of learned Special Judge, NDPS Act, Purnea.



11. Prayer is refused.

12. However, the learned Trial Court is directed to expedite the trial and conclude the same at the earliest.

(Rajesh Kumar Verma, J)

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