

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26357 of 2024

Arising Out of PS. Case No.-128 Year-2019 Thana- INDUSTRIAL District- Bhagalpur

MD. SUDDIN @ SUDIN SON OF MD. CHOTU RESIDENT OF
VILLAGE- FATEHPUR MUKERI TOLA, PS- INDUSTRIAL AREA, DIST-
BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 12-07-2024 The present petition is by way of second attempt at the behest of the petitioner for grant of bail in connection with N.D.P.S. Case No. 31/2019 (arising out of Industrial P.S. Case No. 128 of 2019), registered for the offences punishable under Sections 20/22 of the N.D.P.S. Act, 1985, inasmuch as the earlier prayer of the petitioner for grant of bail was rejected by this Court vide order dated 25.01.2023 passed in Criminal Misc. No. 30044 of 2022.

2. The allegation is regarding recovery of 50 kg. of ganja from the house of the petitioner and one another person, namely, Md. Nasrul.



3. The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 25.11.2021. The learned counsel for the petitioner has further submitted that since similarly situated co-accused person has already been granted bail by a coordinate Bench of this Court vide order dated 14.12.2022, passed in Criminal Misc. No. 52428 of 2022, the petitioner should also be granted bail.

4. *Per contra*, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

5. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, this Court finds that 50 kg. ganja has been recovered from the house stated to be in joint possession of the petitioner and one Md. Nasrul, which is much more than the commercial quantity defined in the Schedule notified under the



provisions of the N.D.P.S. Act, 1985 i.e. 20 kg, hence stringent provisions contained under Section 37(1)(b) of the N.D.P.S. Act, 1985 would preclude this Court from granting bail to the petitioner, apart from the fact that there is no change in circumstance so as to warrant reconsideration of the prayer of the petitioner for grant of bail, hence, I do not find any merit in the present petition, thus, the same stands dismissed.

(Mohit Kumar Shah, J)

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