

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27516 of 2024

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

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Adalat Rai S/o Late Ram Jawahar Rai R/O Village - Rasulpur Habib, Ps
Desari (Chandpura OP) District Vaishali

... .. Petitioner/s

Versus

The Union of India through Director Narcotics Control Bureau

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ganesh Prasad Singh, Advocate
For the Opposite Party/s	:	Mr.Dr. K.N Singh, Sr. Advocate
	:	Mr. Arvind Kumar, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-04-2024 Heard Mr.Ganesh Prasad Singh, learned counsel for

the petitioner and Mr.Dr. K.N Singh, learned senior counsel

appearing for the Union of India.

2. The petitioner seeks bail, who is in custody since
07.04.2022 in connection with NDPS Special Case No.182 of
2021 arising out of Narcotics Control Bureau (NCB) Case
No.27 of 2021 filed on 22.11.2021 registered for the offence
punishable under Sections 8(c), 20(b)(ii)(c), 25 and 29 of
N.D.P.S. Act.

3. According to FIR, 311.600 Kgs of Ganja has been
recovered from the truck in question.

4. Earlier the prayer for bail of the petitioner was
rejected vide order dated 23.02.2023 passed in Cr. Misc.



No.71545 of 2022.

5. Learned counsel for the petitioner submits that though the charges have been framed in the year 2022 but after lapse of about two years, NCB has produced only one witness in support of their case during trial as such trial is vitiated due to laches of the NCB and the petitioner is in custody since 07.04.2022.

6. Learned counsel for the Union of India, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the trial is going on and the recovered contraband is more than the commercial quantity so there is embargo under Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail.

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 the truck in question 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. Hence, I am not inclined to enlarge the petitioner on bail in connection with NDPS Special Case No.182 of 2021 arising out of Narcotics Control Bureau (NCB) Case No.27 of 2021 pending in the court of learned Additional Sessions Judge-XVII, Patna.

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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