

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30162 of 2024

Arising Out of PS. Case No.-77 Year-2023 Thana- SUGAULI RAIL P.S. District- West
Champaran

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Urmila Kumari @ Urmila Devi Wife of Shankar Singh Chauhan Resident of
Tower Town, House No. 20, Jalandhar, Police Station- Kingra Kurla, Dist.-
Jalandhar (Punjab)

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Aditya Nath Jha

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

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

ORAL ORDER

3 26-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has preferred this application for
grant of regular bail in connection with Rail Sugauli P.S. Case
No. 77 of 2023, registered for the offences punishable u/ss 8/20
(b) (ii) (B) of the N.D.P.S. Act.

3. As per the prosecution case, total 1.490 Kg. charas
was recovered from the possession of the petitioner.

4. Learned counsel for the petitioner has submitted
that the petitioner is innocent and has falsely been implicated in
this case. The petitioner has no criminal antecedent as stated in
para 3 of the bail petition. The petitioner has no concern with



the alleged recovery. The petitioner is in judicial custody since 07.12.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and stated that the seized contraband is commercial quantity i.e. 1.490 Kg. charas.

6. As per Section 37 of the N.D.P.S. Act, the two conditions are that:

(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 Aggrawal 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 seized contraband is a commercial quantity i.e. 1.490 Kg. charas, I am not inclined to enlarge the petitioner above-named on bail.

9. Learned trial court is directed to expedite the trial and conclude the same at the earliest.

10. The application stands rejected.

(Chandra Prakash Singh, J)

Ranjeet/-

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