

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29992 of 2024

Arising Out of PS. Case No.-328 Year-2022 Thana- DALSINGHSARAI District- Samastipur

Deepak Kumar Deepak @ Deepak Kumar Son Of Arbind Sah Resident Of
Village - Pusaho, P.S. - Bithan, District - Samastipur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Union Of India Through NCB, Patna, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha, Advocate
For the Opposite Party/s : Mr.Ahmad Ali,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-07-2024 Heard Mr.Jitendra Narain Sinha, learned counsel for
the petitioner, Ms. Parul Prasad, learned counsel for the Union
of India and Mr.Ahmad Ali, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
28.08.2022 in connection with Dalsingsarai P.S. Case No. 328
of 2022 registered for the offence punishable under Sections
8/20(B)(ii)/C/25/29 of N.D.P.S. Act and Sections 25(1-B)A,26
of the Arms Act.

3. Earlier the prayer for bail of the petitioner was
rejected vide order dated 16.08.2023 passed in
Cr.Misc.No.19377 of 2023.

4. It appears from the FIR as well as the seizure list
that altogether 42 Kg of Ganja alongwith one country made



loaded pistol with Magazine in which five live cartridges were loaded have been recovered from possession of the petitioner.

5. Learned counsel for the Union of India and learned APP for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submits that earlier the prayer for bail of the petitioner was rejected on merits and it has come during investigation that the petitioner was owner of the vehicle in question and apart from the aforesaid, the recovered contraband is more than the commercial quantity so there is embargo under Section 37 of the NDPS Act to enlarge the petitioner on bail.

6. 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.

7. 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**.

8. 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.

9. Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Dalsingsarai P.S. Case No. 328 of 2022 pending in the court of learned Sessions Judge, Samastipur.

10. Prayer is refused.

11. 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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