

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32944 of 2024**

Arising Out of PS. Case No.-118 Year-2022 Thana- PIRPAINTI District- Bhagalpur

Md. Noor Son Of Sheikh Serajuddin Resident Of Village - Govindpur, P.S.  
-PIRPAINTY, District - Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Syed Maslehuddin Ashraf, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      21-06-2024                      Heard Mr.Syed Maslehuddin Ashraf, learned counsel  
for the petitioner and Mr.Binod Kumar, learned A.P.P. for the  
State.

2. The petitioner seeks bail, who is in custody since  
14.02.2024 in connection with Pirpainty P.S. Case No. 118 of  
2022, F.I.R. dated 12.04.2022 registered for the offence  
punishable under Sections 8,20(B)(ii)(c),22 of the of N.D.P.S.  
Act.

3. Recovery is of 83 kilograms of Ganja.

4. Learned counsel for the petitioner submits that the  
petitioner has clean antecedent and he has falsely been  
implicated in the present case. Further submits that it appears  
from the FIR as well as the seizure list that nothing has been  
recovered from conscious possession of the petitioner and the



petitioner has no concern at all with the alleged recovery or the present crime in question.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that altogether 83 kilograms of Ganja has been recovered from the bamboo orchard of the petitioner and the recovered contraband is more than the commercial quantity.

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 Pirpainty P.S. Case No. 118 of 2022 pending in the court of learned Sessions Judge, Bhagalpur.

10. Prayer is refused.

**(Rajesh Kumar Verma, J)**

Nitesh/-

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