

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32705 of 2024

Arising Out of PS. Case No.-377 Year-2023 Thana- JAYNAGAR District- Madhubani

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Anil Singh @ Deependra Kumar Singh @ Deependra Kumar @ Anil Son of
Kamal Dev Mahto R/O Vill.- Betaunha Bad, Ward no.- 08, P.S.- Jaynagar,
Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

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

ORAL ORDER

2 08-05-2024 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 Jaynagar P.S. Case No. 377 of 2023, dated 06.09.2023 registered for the offences punishable under Sections 8(C)/21(C) of Narcotics Drugs and Psychotropic Substance Act.

3. As per the prosecution case, total 340 gram of brown sugar like substance, two mobiles, one electric weighing machine and Rs. 1760/- Nepali currency was recovered from the Scorpio, parked at the door 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 one 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 29.01.2024.

5. Learned A.P.P. for the State has opposed the bail petition of the petitioner and submitted that the seized contraband quantity belongs to the petitioner which is commercial quantity. The key of the said vehicle was in possession of the petitioner's wife.

As per Section 37 of the N.D.P.S. Act, the two conditions are that the Court should be satisfied with:-

(i) There are reasonable ground for believing that the accused is not guilty of such offence; and

(ii) He is not likely to commit any offence while on bail.

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 Aggarwal 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.*”

6. Considering the aforesaid facts and circumstances of the case as well as the recovery of commercial quantity from conscious possession of the petitioner, I am not inclined to enlarge the petitioner on bail.

7. Accordingly, the prayer for bail petition of the petitioner stands rejected.

8. The learned trial court is directed to expedite the trial and conclude the same at the earliest.

(Chandra Prakash Singh, J)

Ranjeet/-

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