

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35006 of 2024

Arising Out of PS. Case No.-279 Year-2022 Thana- BAISI District- Purnia

Sandeep Kumar @ Sandip Singh @ Sandeep Yadav son of Late Lalan Singh
R/O - vill- Parmeshwarpur P.S- Sikraul Lakh, Dist - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Mishra, Advocate

For the Opposite Party/s : Ms.Sangeeta Sharma,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-08-2024 Heard Mr.Amit Kumar Mishra,learned counsel for the
petitioner and Ms.Sangeeta Sharma, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
01.03.2024 in connection with Baisi P.S. Case No. 279 of 2022
registered for the offence punishable under Sections 8/20(b)(ii)
(c),25/28/29 of N.D.P.S. Act.

3. Recovery is of 405.800 Kg of Ganja.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. The
allegation as alleged in the FIR is false and fabricated and the
petitioner has not committed any offence as alleged in the FIR
and it appears from the FIR as well as the seizure list that
nothing has been recovered from conscious possession of the
petitioner and the name of the petitioner has been transpired on



the basis of the disclosure made by Baccha Lal Paswan and who also disclosed that the co-accused persons including the petitioner that they are boarded boarded in the Scropio thereafter change the vehicle.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that from a bare perusal of the FIR it appears that altogether 405.800 Kg of Ganja has been recovered from the vehicle in question and the recovered contraband is more than the commercial quantity so there is embargo under Section 37 of the of NDPS Act to enlarge the petitioner on bail. Further submits that the petitioner carries six more cases other than the present one but fairly submits that out of six cases, the petitioner is on bail in four cases and in rest two cases, the petitioner has been acquitted, as mentioned in para-3 of the bail petition.

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 container 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 nature of allegation as alleged in the FIR and the quantity of recovered contraband, I am not inclined to enlarge the petitioner on bail in connection with Baisi P.S. Case No. 279 of 2022 pending in the court of learned Special Judge, N.D.P.S. Act, Purnea.

10. Prayer is refused.

(Rajesh Kumar Verma, J)

Nitesh/-

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