

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45848 of 2024

Arising Out of PS. Case No.-287 Year-2022 Thana- CHAINPUR District- Kaimur (Bhabua)

Ghurpat Rai S/O Sri Naresh Rai @ Naresh Ram @ Naresh Rajbhar Resident
of village-Bhaganda P.S.- Chainnpur, District-Kaimur (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha, Advocate

:

Mr.Alok Chaubey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-11-2024 Heard Mr.Amresh Kumar Sinha, learned counsel

for the petitioner and Mr.Narendra Kumar Singh, learned

A.P.P. for the State.

2. The petitioner seeks bail, who is in custody
since 11.11.2022 in connection with Chainpur P.S. Case
No. 287 of 2022, FIR dated 10.12.2022 registered for the
offence punishable under Sections 8C/20(b)(ii)c/27(c)/29
of N.D.P.S. Act.

3. Earlier the prayer for bail of the petitioner was
rejected vide order dated 01.08.2023 passed in Cr. Misc.
No.6024 of 2024.

4. Learned counsel for the petitioner submits that
the petitioner has falsely been implicated in the present



case. Further submits that it appears from the FIR as well as the seizure list that altogether 29.10 kilograms of Ganja was recovered from possession of the petitioner. Further submits that there is non-compliance of Sections 45 and 52 of the NDPS Act and the petitioner is in custody since 11.11.2022 and the trial is not in progress.

5. Vide order dated 21.09.2024, a report was called for with regard to the present stage of the trial. Report of the learned Trial Court dated 25.10.2024 reveals that out of seven chargesheet witnesses, two witnesses have been examined and the case is pending for examination of rest of the prosecution witnesses.

6. 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 as well as the seizure list that altogether 29.10 kilograms of Ganja was recovered from possession of the petitioner and the recovered contraband is more than the commercial quantity.

7. 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.

8. 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**.

9. 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.

10. Considering the fact that the recovery has been made from possession of the petitioner and the recovered contraband is more than the commercial quantity and there is embargo under Section 37 of the NDPS Act to enlarge the petitioner on bail, I am not inclined to enlarge the petitioner



on bail in connection with Chainpur P.S. Case No. 287 of 2022 pending in the court of learned Sessions Judge-cum-Special Judge, Kaimur at Bhabhua.

11. Prayer is refused.

12. 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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