

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39052 of 2024

Arising Out of PS. Case No.-34 Year-2024 Thana- JHANJHARPUR District- Madhubani

Ram Pukar Yadav @ Ram Pukar @ Ram Kumar Son of Late Ram Charan
Yadav Resident of Village- Dhabahi, P.S.- Laukahi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav, Advocate Mr. Ravi Prakash, Advocate Mr. Udeshya Kumar Yadav, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-09-2024 Heard Mr. Gagandeo Yadav, learned counsel for the
petitioner and Mr. Anil Kumar, learned APP for the State.

2. Petitioner seeks bail who is in custody since
18.02.2024 in connection with Jhanjharpur (R.S.O.P.) P.S. Case
No. 34 of 2024 for the offences punishable under Sections 8,
20(B) (ii) (c), 25 and 29 of the N.D.P.S. Act, 1985.

3. Recovery is of 84 kg of Ganja.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that as per the
allegation in the F.I.R. altogether 84 kg of Ganja has been
recovered from the Scorpio in question and the petitioner was
the driver of the said vehicle. He further submits that there is



non-compliance of Sections 42 and 50 of the NDPS Act.

5. Learned Additional Public Prosecutor on the basis of material available on record as well as case diary has vehemently opposed the prayer for bail of the petitioner and submits that altogether 84 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 N.D.P.S. Act.

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 Substance Act, 1985, Section 37 which says that before grant of bail, the Court must have reason to believe that 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 and 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 **Union of India vs. Ajay Kumar Singh @ Pappu** reported in **2023 SCC OnLine SC 3456** dated 28.03.2023.



8. The recovery of huge quantity of Ganja recovered 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. Hence, I am not inclined to enlarge the petitioner on bail in connection with Jhanjharpur (R.S.O.P.) P.S. Case No. 34 of 2024 pending in the Court of learned Sessions Judge, Madhubani.

10. Prayer is refused.

(Rajesh Kumar Verma, J)

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