

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39408 of 2024

Arising Out of PS. Case No.-108 Year-2023 Thana- DHANGAI District- Gaya

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Dindyal Sao @ Dindyal Kumar Son of Teni Sao Resident of Village -
Dhangai, at Present Bechiragi, Gram - Khoriya, P.S.- Dhangai, District - Gaya
(Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh, Advocate
For the State : Mrs. Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-07-2024 Heard Mr. Birendra Kumar Singh, learned counsel

for the petitioner and Mrs. Renu Kumari, learned APP for the

State.

2. Petitioner apprehends his arrest in connection with

Dhangai P.S. Case No. 108 of 2023 for the offences punishable

under Sections 18, 20 and 22 of NDPS Act.

3. Recovery is of 130.350 kg of Doda and 10.500 kg

of Posta Dana.

4. Learned counsel for the petitioner submits that

petitioner has clean antecedent and he has falsely been

implicated in the present case. The allegation as alleged is false

and fabricated and the petitioner has no committed any offense

as alleged in the FIR.



5. Learned Additional Public Prosecutor on the other hand vehemently opposed the prayer for bail of the petitioner and submits that from bare perusal of the FIR it appears that 130.350 kg of Doda and 10.500 kg of Posta Dana from the house of the petitioner 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 petitioners have 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.

9. Considering the aforesaid facts, I am not inclined to



enlarge the petitioner on bail in connection with Dhangai P.S.
Case no. 108 of 2023 pending in the Court of learned Sessions
Judge cum Special Judge (NDPS Act), Gaya.

10. Prayer is refused.

(Rajesh Kumar Verma, J)

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