

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42642 of 2024**

Arising Out of PS. Case No.-11 Year-2024 Thana- LADANIA District- Madhubani

Ahamadullah @ Ahamadulah @ Manuar S/o Late Jamiruddin R/o Village-
Malda, Sujapur, P.S.-Kaliachak, Malda, West Bengal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Bharti, Adv.

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

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

ORAL ORDER

3 01-08-2024 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 Ladania P.S. Case No. 11 of 2024 dated 19.01.2024 registered for the offences punishable under Sections 20 and 22 of Narcotics Drugs and Psychotropic Substances Act.

3. As per the prosecution case, total 220 gms of brown sugar and Rs. 55,000/- were recovered from the possession of the co-accused and total 300 gms brown sugar and one Android mobile set were recovered from the possession 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 seized contraband article is commercial quantity. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 20.01.2024.

5. Learned A.P.P. for the State has opposed the bail petition of the petitioner. It is further stated that the seized contraband is more than the commercial quantity i.e. 300 gm of brown sugar. It is further stated that the petitioner had no any valid authorization for keeping the said contraband.

6. 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 grounds for believing that the accused is not guilty of such offence; and

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

7. 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.”

8. Considering the aforesaid facts and circumstances of the case as well as the material available on record against the petitioner, I am not inclined to enlarge the petitioner above-named on bail.

9. The application stands rejected.

(Chandra Prakash Singh, J)

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