

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51760 of 2023

Arising Out of PS. Case No.-18 Year-2022 Thana- D.R.I District- Muzaffarpur

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BABLU KUMAR SON OF KRISHNA SAHNI @ SRI KIRSHAN SAHANI
RESIDENT OF VILLAGE- CHAKI SOHAGPUR, PS- PARU, DISTRICT-
MUZAFFARPUR

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. The Deputy Dirctore, Directorate of Revenue Intelligence Regional Unit,
Patna Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh, Adv.
For the Opposite Party/s : Mr.Ram Anurag Singh, APP

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

ORAL ORDER

8 03-05-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Directorate of Revenue Intelligence (D.R.I.) P.S. Case No. 18 of 2022-2023 dated 30.10.2022 registered for the offences punishable u/ss 20, 25, 29 of the NDPS Act.

3. As per the prosecution case, total 283.310 kg. of Ganja was recovered from the truck and the petitioner along with the other co-accused persons was sitting in the said truck.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in



this case. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner is neither the owner nor the driver of the said truck. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 31.10.2022.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and submitted that the seized contraband is commercial quantity i.e. 283.310 kgs. of Ganja and the petitioner was apprehended on the spot while he was sitting inside the truck.

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.*”

7. Considering the aforesaid facts and circumstances of the case as well as the recovery from conscious possession of the petitioner, I am not inclined to enlarge the petitioner on bail.

8. The application stands rejected.

(Chandra Prakash Singh, J)

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