

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47413 of 2024

Arising Out of PS. Case No.-530 Year-2022 Thana- RIGA District- Sitamarhi

Md. Danish @ Danish Kumar Son of Md. Kasim @ Md. Chhote R/O Vill.-
Hasanpur Barharva, P.S.- Bajpatti, Dist.- Sitamarhi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ritesh Singh, Advocate
For the State : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 23-08-2024 Heard Mr. Ritesh Singh, learned counsel for the
petitioner and Mr. Prem Kumar Jha, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
29.11.2022, in connection with Riga P.S. Case No. 530 of 2022,
FIR dated 28.11.2022 for the offences punishable under Section
414 of the Indian Penal Code and under Sections 8/20(b)(ii)(c)
of the N.D.P.S. Act.

3. Earlier the prayer for bail of the petitioner was
rejected vide order dated 01.08.2023 and 13.03.2024 passed in
Cr. Misc. No. 38185 of 2023 and Cr. Misc. No. 20918 of 2024
respectively.

4. It appears from the FIR that altogether 154 kgs
of Ganja was recovered from the vehicle in question and the
petitioner was apprehended along with the aforesaid Ganja and



it is admitted fact that the petitioner is the driver of the vehicle in question and apart from that FSL report also confirms that the recovered contraband is Ganja and as far as N.D.P.S. Act is concerned, there is embargo under Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail.

5. 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.

6. 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.

7. 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.

8. Hence, I am not inclined to enlarge the petitioner on bail in connection with Riga P.S. Case No. 530 of 2022 pending in the Court of learned Sessions Judge-Cum-Special Judge, Sitamarhi.

9. Prayer is refused.

(Rajesh Kumar Verma, J)

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