

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50892 of 2024

Arising Out of PS. Case No.-287 Year-2022 Thana- CHAINPUR District- Kaimur (Bhabua)

Compoter Rajbhar @ Compotar Rajbhar @ Kompotar Rajbhar Son of Late
Satam Rajbhar, R/O Vilage- Ramgarh (Mushar Tola), P.s.- Chainpur, Dist.-
Kaimur, Bihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Abhash, Advocate
For the Opposite Party : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-09-2024 Heard Mr. Abhash, the learned counsel for the

petitioner and Mr. Uday Chand Prasad, the learned Additional

Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since

11.11.2022, in connection with N.D.P.S. Case No. 11 of 2023,

arising out of Chainpur P.S. Case No. 287 of 2022, FIR dated

10.11.2022, registered for the offences punishable under

Sections 8(c), 20(b)(ii)(C), 27(c) and 29 of the N.D.P.S. Act.

3. Earlier the petitioner has moved before this

Hon'ble Court in Cr. Misc. No. 6305 of 2023, which was

rejected by a co-ordinate Bench of this Court vide order dated

31.07.2023.

4. According to the prosecution case, after receiving



information that one Dhurpat Ray has brought one bag containing *ganja* near Bandha for selling, the informant along with police personnel, reached at the alleged place and apprehended the said Dhurpat Ray and from his possession, recovered one motorcycle and 29 kilogram and 010 gram of *ganja* like substance. It is further alleged that the apprehended co-accused person disclosed that *ganja* is also hidden in the house of the petitioner. Thereafter, the police raided the house of the petitioner and recovered 47 kilogram and 340 gram of *ganja* like substance.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case.

6. Vide order dated 19.07.2024, a report was called for with regard to the stage of the trial and report dated 01.08.2024 of the learned trial Court reveals that trial is going on.

7. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that as per allegation in the FIR, 47.340 kilograms of *ganja* has been recovered from the house of the petitioner, which is more than the commercial



quantity, hence, there is embargo under Section 37 of the NDPS Act to enlarge the petitioner on bail. Apart from that, the FSL report also confirms that the recovered contraband is *ganja*.

8. The grant of bail in NDPS cases where the recovery of commercial quantity of narcotics in alleged is circumscribed under NDPS Act, Section 37, which says that:

“before the 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.”

9. The issue was considered by the Hon’ble Supreme Court in the case of ***State of Kerala & Ors. Vs. Rajesh & Ors.***, reported in ***2020(12) SCC 122*** as well as in the case of ***Narcotic Control Bureau Vs. Mohit Aggrawal*** in Cr. Appeal Nos. 1001-1002 of 2022, arising out of ***Special Leave to Appeal (CRL.) No. 6128-29 of 2021***.

10. Considering the aforesaid facts and circumstances as well as the quantity of the recovered contraband, I am **not** inclined to enlarge the petitioner on bail in connection with N.D.P.S. Case No. 11 of 2023, arising out of Chainpur P.S. Case No. 287 of 2022, pending in the Court of learned Additional District & Sessions Judge-I-cum-Special Judge, Kaimur at Bhabua.



11. Prayer is refused.

(Rajesh Kumar Verma, J)

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