

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58138 of 2024

Arising Out of PS. Case No.-38 Year-2024 Thana- NAVINAGAR District- Aurangabad

Sulabh Kumar S/o- Late Pradeep Kumar Singh @ Late Pradeep Singh R/o
Village-Bilaspur, P.S - Nabinagar, District-Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Mukul Kumari, Advocate.

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-09-2024 Heard Ms. Mukul Kumari, learned counsel appearing
on behalf of the petitioner and Mr. Shyameshwar Dayal, learned
APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Nabinagar P.S. Case No. 38 of 2024 registered for the
offence punishable under Sections 20(B), (ii)(A) of the N.D.P.S.
Act.

3. As per the allegation made in the F.I.R., 300 grams
of *Marijuana* was recovered from the house of the petitioner.

4. Learned counsel appearing on behalf of the
petitioner submitted that the alleged recovery of *Marijuana* is
from the joint premises of the petitioner and the petitioner was
not present in the house at the time of alleged raid and seizure.
Learned counsel further submitted that otherwise also total



recovery is 300 grams which is less than the small quantity, as such, rigors of Section 37 of the N.D.P.S. Act will not come in his way. Petitioner has clean antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Having considered the rival submissions made on behalf of the parties, as well as, the fact that the total quantity of marijuana has been recovered from the joint house of the petitioner and not from the possession of the petitioner. I find that in light of the observation made by the Apex Court *vide* order dated 12.02.2024 in the case of **State By the Inspector of Police Versus B. Ramu (SLP (Crl.) No(s). 8137 of 2022**, reason has to be recorded in case of recovery of commercial quantity of narcotic drugs or psychotropic substance, considering the rigors of Section 37 of the NDPS Act. The Apex Court in the aforesaid case, considering the quantity of the Ganja of 232.5 k.g. had dismissed the appeal in view of the fact that the accused were found to be in possession of 232.5 kg. of *Ganja*. However, in the present case, the quantity of *Ganja* which has been recovered is 300 grams, which is a small quantity and as such, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or



surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, N.D.P.S. cum 1st Additional District and Sessions Judge, Aurangabad in connection with Nabinagar P.S. Case No. 38 of 2024 , subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para- 3 of the bail petition, this order will automatically lose its force.

8. The bail application stands disposed of.

(Purnendu Singh, J)

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