

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69064 of 2023**

Arising Out of PS. Case No.-42 Year-2008 Thana- RAJAOLI District- Nawada

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SARPANCH SINGH SINGH @ SARPANCH SINGH, son of Late Kripali Singh, Village- Jamundaha PS- Rajauli Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Nayan, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 05-01-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. This application for regular bail arises out of Rajauli P.S. Case No. 42 of 2008 disclosing the commission of offences punishable under Sections 147, 148, 149, 186, 353, 307, 379, 411, 120(b) of the Indian Penal Code, Sections 25(1-b)a, 26, 35 of the Arms Act, Section 17 of C.L.A. Act, Sections 20, 22 of the N.D.P.S. Act and Section 33 of the Forest Act.

3. This is fourth attempt made by the petitioner seeking his release on bail. Learned counsel appearing on behalf of the petitioner does not dispute the factual position that the



allegations made in the FIR do constitute such offences of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act in short) to which Section 37 of the said Act applies. Learned counsel appearing on behalf of the petitioner has, however, submitted that the place from where the prohibited articles have allegedly been recovered does not belong to him and, therefore, Section 37 of the NDPS Act shall have no application.

4. In the Court's opinion, the submission made on behalf of the petitioner that the place from where the articles were recovered does not belong to him, is a defense which he can take at an appropriate stage. It has also been argued that similarly circumstanced co-accused have been granted bail by this Court by order dated 18.12.2008 passed in Criminal Miscellaneous No. 36284 of 2008 and 09.12.2020 passed in Criminal Miscellaneous No. 31746 of 2020.

5. I have perused the aforesaid two orders and I find that the said orders do not take into account the statutory bar under Section 37 of the NDPS Act.

6. As the petitioner's prayer for bail has been rejected thrice, I do not find any fresh ground for reconsidering his prayer for bail.



7. This application is accordingly rejected.

(Chakradhari Sharan Singh, J)

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