

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71704 of 2023

Arising Out of PS. Case No.-425 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Ranjeet Singh Son Of Haridwar Singh Village- Dihpar W.No-4, Ps- Muffasil
Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate
For the State : Mr. Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-03-2024 Heard Mr. Jitendra Narain Sinha, learned counsel

for the petitioner and Mr. Anil Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Muffasil P.S. Case No. 425 of 2022, F.I.R.
dated 16.08.2022 for the offences punishable under Sections
8/20(b)(II)(c) if the N.D.P.S. Act.

3. Recovery is of 28.54 kg of Ganja from the vehicle
of the petitioner.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that as per the
allegation in the F.I.R. altogether 28.54 kg of Ganja has been
recovered from the vehicle in question. He further submits that



petitioner is the owner of the vehicle, therefore, he has been made accused in the present case. He further submits that there is non-compliance of Section 42 and 50 of the NDPS Act.

5. Learned Additional Public Prosecutor on the other hand vehemently opposes the prayer for bail of the petitioner and submits that the recovered contraband is more than the commercial quantity, so there is embargo under Section 37 of the N.D.P.S. Act.

6. 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.

7. 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.



8. 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.

9. Hence, I am not inclined to enlarge the petitioner on bail in connection with Muffasil P.S. Case No. 425 of 2022 pending in the Court of learned Additional District Judge-1st, Begusarai.

10. Prayer is refused.

(Rajesh Kumar Verma, J)

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