

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84932 of 2023

Arising Out of PS. Case No.-326 Year-2023 Thana- JAYNAGAR District- Madhubani

Anil Singh @ Dipendra Kumar Singh S/o Kailu Singh R/o Village- Bataunha,
P.S. Jaynagar, District-Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate
	:	Mr. Ravi Prakash, Advocate
For the Opposite Party/s	:	Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-01-2024 Heard Mr. Gagan Deo Yadav, learned counsel for
the petitioner and Mr. Anish Chandra, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Jaynagar P.S. Case No. 326 of 2023, F.I.R. dated 02.08.2023 for the offences punishable under Section 21(C) of the N.D.P.S. Act.

3. According to prosecution case, 158 bottle cough syrup containing 100 ml each, was recovered from the courtyard situated near the house 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 nothing has been recovered from the conscious possession of the



petitioner and the petitioner has no concern at all with the alleged recovery of the contraband or the land in question. He further submits that the co-accused person, namely, Kushum Singh, who is wife of the petitioner, has been granted anticipatory bail by the Co-ordinate Bench of this Hon'ble Court vide order dated 10.01.2024 passed in Cr. Misc. No. 80275 of 2023.

5. Learned Additional Public Prosecutor on the other hand vehemently opposed the prayer for bail of the petitioner and submits that from bare perusal of the FIR it appears that the recovery is made from the house of the petitioner and apart from that petitioner is accused in one more N.D.P.S. matter.

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 illegal intoxicated cough syrup 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 Jaynagar No. 326 of 2023 pending in the Court of learned District & Sessions Judge, Madhubani.

10. Prayer is refused.

(Rajesh Kumar Verma, J)

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