

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5007 of 2024

Arising Out of PS. Case No.-330 Year-2023 Thana- UDWANTNAGAR District- Bhojpur

1. Ranjan Singh S/o Upendra Singh R/o Village- Masarh (Masadh), P.S. Udwant Nagar (Gajranganj O.P.), Distt- Bhojpur
2. Ganeshi Singh @ Ganeshi kumar Singh S/o Anand Singh @ Shukkal Singh R/o Village- Masarh (Masadh), P.S. Udwant Nagar (Gajranganj O.P.), Distt- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar R/o Village- Masarh (Masadh), P.S. Udwant Nagar (Gajranganj O.P.), Distt- Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar .
For the Opposite Party/s : Mr.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 19-04-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with Udwant Nagar (Gajranganj O.P.) P.S. Case No. 330 of 2023 registered for the offences punishable under Sections 20(b), (ii) (c) and 29 of the N.D.P.S. Act.

3. As per prosecution case, there is alleged recovery of 30 kg Ganja from the house of the co-accused Anand Singh. Petitioner no. 1 Ranjan Singh and Petitioner no. 2 Ganeshi Singh both were apprehended on the spot and they disclosed that at the behest of co-accused Vikash Singh and other, the illicit ganja was being kept at the place of occurrence,

4. Learned counsel for the petitioners submits that



petitioner are in custody since 01.08.2023. Petitioners bear no criminal antecedent. He further submits that co-accused Vikash Singh has already been granted bail vide Cr. Misc. No. 75726 of 2023 by this Court and the case of present petitioner stands more or less on similar footing. Learned counsel further submits that the mandatory provision of search and seizure has not been followed in the present case.

5. The learned A.P.P. for the State submits that case of co-accused Vikash Singh is totally different from the case of the present petitioners and petitioners were apprehended on the spot from where 30 kg of Ganja was recovered which is more than commercial quantity.

6. As per Narcotic Drugs and Psychotropic Substances Act, 1985, commercial quantity of Ganja is 20 kg and the small quantity of Ganja is 1000 gm but the recovery in the present case is of 30 kg Ganja which is more than the commercial quantity.

7. The grant of bail in NDPS cases where the recovery of commercial quantity of Narcotic is alleged is circumscribed under Section 37 of Narcotic Drugs and Psychotropic Substances Act, 1985, which says that before 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.

8. 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*.

9. The FSL report dated 05.03.2024 also confirms that the substance is Ganja. The recovery of commercial quantity of Ganja from the possession of the petitioners would not justify that the petitioners had neither knowledge of narcotic nor had any material to substantiate that the petitioners would not commit such offence in the event of release.

10. Considering the facts and circumstances of the case, nature of allegation levelled against the petitioners coupled with FSL report and also taking into consideration the material available on record, I am not inclined to grant bail to the petitioners. Accordingly, the prayer for bail of petitioners is hereby rejected.

11. However, the learned trial court is directed to expedite the trial and conclude the same as early as possible.

(Alok Kumar Pandey, J)

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