

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11787 of 2025**

Arising Out of PS. Case No.-388 Year-2024 Thana- Excise P.S. District- Sitamarhi

Sumit Kumar Son of Ramsagar Singh Resident of Village - Sardal Patti, P.S. -
Parihar, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Anand
Mr. Vivekanand Singh
Mr. Shubham Kumar
For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 13-05-2025 Heard learned counsel for the petitioner and
learned A.P.P for the State.

2. The petitioner has preferred this application for
grant of regular bail in connection with Prohibition (Pupri)
P.S. Case No. 388 of 2024 dated 25.08.2024 registered for the
offence/s punishable u/ss 8(c), 20(b)(ii)(C) AND 25 of the
NDPS Act.

3. As per the prosecution case, total 75.510 kgs.
Ganja was recovered from the car driven by the petitioner and
the petitioner and the co-accused person Rambabu Rai were
found sitting in the said car who were apprehended by police
while trying to flee away.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 26.08.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner who is the driver of the said car. The seized contraband is of commercial quantity i.e. 75.510 Kgs. Ganja and the petitioner is one the occupants of the said vehicle. The petitioner had no any valid authorization for keeping the said contraband. The said offence is related to the offence of NDPS Act and the Drug and Cosmetic Act.

6. As per Section 37 of the N.D.P.S. Act, the two conditions are that the Court should be satisfied with :-

(i) There are reasonable grounds for believing that the accused is not guilty of such offence; and

(ii) He is not likely to commit any offence while on bail.

7. If either of these two conditions is not satisfied, the bar operates and the accused cannot be released on bail.



The Court is of the opinion that the parameters of bail available under Section 37 of the Act have not satisfied in the facts of the instant case. The Hon'ble Supreme Court in the case of *Narcotics Control Bureau v. Mohit Aggarwal 2022 SCC OnLine SC 891* has held that “*The length of the period of his custody or the fact that the charge-sheet has been filed and the trial has commenced are by themselves not considerations that can be treated as persuasive grounds for granting relief to the respondent under Section 37 of the N.D.P.S. Act.*”

8. Considering the aforesaid facts and circumstances of the case as well as the recovery of commercial quantity of Ganja i.e. 75.510 kgs. from the conscious possession of the petitioner, I am not inclined to enlarge the petitioner on bail.

9. Learned trial court is directed to expedite the trial and conclude the same at the earliest.

(Chandra Prakash Singh, J)

Gautam/-

U		T	
---	--	---	--

