

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5642 of 2025

Arising Out of PS. Case No.-12 Year-2023 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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Karan Singh @ Golu Son of Shyam Bihari Singh Resident of Village- Paraw
Sujabad (Anil Baba Ashram) P.S. -Ramnagar, District- Varanasi, (U.P)

... .. Petitioner

Versus

1. The State of Bihar
2. Dy. S.P. Cum S.H.O. Economic Offences Police Station Patna Economic
Offences Unit Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. Binod Kumar Pandey, Advocate
For the Opposite Party/s	:	Mrs. Sharda Kumari, APP
For the E.O.U	:	Mr. Vishwanath Pd. Sinha, Sr. Adv
		Mr. Vijay Anand, Adv

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

ORAL ORDER

3 30-04-2025 Heard learned counsel for the petitioner, learned
counsel for the E.O.U and learned A.P.P for the State.

2. The petitioner has preferred this application for
grant of regular bail in connection with Economic Offences P.S.
Case No. 12/2023 dated 10.09.2023 registered for the offences
punishable u/s 8, 20(b)(ii)(C), 25 and 29 of the N.D.P.S. Act.

3. As per the prosecution case, total 100 kgs. *ganja*
was recovered from the pick-up van which was being driven by
the petitioner.

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 is the driver of the said vehicle. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 10.09.2023.

5. Learned A.P.P. for the State as well as learned counsel for the E.O.U have vehemently opposed the bail petition of the petitioner by submitting that the seized contraband is commercial quantity i.e. *100 kgs. ganja*. The said *ganja* was recovered from the pick-up van and the petitioner is the driver of the said vehicle. It is further alleged that the petitioner has no valid authorization for keeping the said contraband.

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* from the conscious possession of the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected.

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

(Chandra Prakash Singh, J)

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