

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8607 of 2025

Arising Out of PS. Case No.-6 Year-2024 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Patna

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Chandan Kumar Choudhary Son of Shambhu Choudhary village- Belahi,
Ward no. 9, Po- Tharbitiya, Ps- Kishanpur, Dist- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar bihar
2. Union of India Through Director of NCB, Patna bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Adv Mr. A.K. Sinha, Adv Mr. Vikramadit, Adv
For the Opposite Party/s :		Mr. Syed Mojibur Rahman, APP
For the U.O.I	:	Mr. Rana Vikarm Singh, Adv (Deputy Solicitor General of India)

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

ORAL ORDER

2 19-03-2025 Heard learned counsel for the petitioner, learned
counsel for the U.O.I and learned A.P.P for the State.

2. The petitioner has preferred this application for
grant of regular bail in connection with NDPS Case No.
42/2024 arising out of NCB Crime P.S. Case No. 06/2024 dated
03.04.2024 registered for the offences punishable u/s 20(b)(ii)
(c), 25, 29 and 8(C) of the N.D.P.S. Act.

3. As per the prosecution case, total 180 kg. Ganja
was recovered from the dicky of the Hyundai Venue Car.

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 one criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 04.04.2024.

5. Learned A.P.P. for the State as well as learned counsel for the U.O.I have vehemently opposed the bail petition of the petitioner by submitting that the seized contraband is commercial quantity i.e. 180 kg *ganja*. The said *ganja* was recovered from the conscious possession of the petitioner who had no valid document. It is further submitted that the petitioner was one of the occupants of the said vehicle and was arrested on the spot.

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 from the conscious possession of the petitioner, I am not inclined to enlarge the petitioner on bail.

9. This application stands rejected.

(Chandra Prakash Singh, J)

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