

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11505 of 2025

Arising Out of PS. Case No.-156 Year-2024 Thana- Dehri Mufassil District- Rohtas

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Arun Kumar Kushwaha Son of Rameshwar Singh Resident of Village- Dighi,
P.S.- Barun, Distt.- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Uday Chand Prasad

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 18-03-2025 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 Dehri (Muffassil) P.S. Case No. 156 of 2024 dated 19.10.2024 registered for the offence/s punishable u/ss 8/20(b)(ii) (C) 25, 29 of the NDPS Act.

3. As per the prosecution case, total 22.941 kgs. Gajga was recovered from the car and the petitioner and the co-accused persons were found sitting in the said car and on seeing police, they started fleeing away but were apprehended.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not the owner of the said vehicle. 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 20.10.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner. 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. The seized contraband is of commercial quantity.

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. 22.941 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)

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