

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18656 of 2025

Arising Out of PS. Case No.-18 Year-2024 Thana- KUWARI District- Araria

Vinod Kumar Tatma @ Vinod Tatma S/O Chhatranand Tatma @ Chatranand
Tatma @ Chhattarlal tatma Resident of Village - Darha Pipar, P.S- Kuwari,
District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vaishnavi Singh

For the Opposite Party/s : Mr.Nagendra Prasad

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

ORAL ORDER

2 17-06-2025 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 Kuwari P.S. Case No. 18
of 2024 dated 14.05.2024 registered for the offence punishable
u/s 8, 20(b)(ii)(c), 22(c), 25 of the N.D.P.S. Act.

3. As per the prosecution case, total 78 kg ganja was
recovered from the house of the petitioner. At the instance of the
co-accused, Santosh Mandal @ Santosh, total 41.200 kg ganja
was recovered from the maize crops field.

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 charge-sheet has been



submitted against the petitioner. The petitioner has no concern with the alleged recovery. The petitioner has one criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 21.09.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the seized contraband is the commercial quantity and the petitioner has no valid authorization for keeping the same. It is further submitted that the petitioner and the co-accused persons are member of gang which is run by petitioner and they are indulged in the business of purchase and sell of ganja. It is further submitted that the regular bail petition of the co-accused Santosh Mandal @ Santosh has been rejected by this Court vide order dated 11.09.2024 passed in Cr. Misc. No. 62026 of 2024.

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 quantum of the recovery is commercial quantity, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Kuwari P.S. Case No. 18 of 2024, pending in the Court of learned Principal District and Sessions Judge-cum-Special Judge, N.D.P.S. Act, Araria.

9. Learned trial court is directed to conclude the trial of the petitioner at the earliest.

(Chandra Prakash Singh, J)

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