

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20262 of 2025**

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

Ayodhya Singh @ Mala, Gender-Male, aged about 49 years, S/o- Late Purnvashi Mahto, R/M-Village- Siyadih, P.O.- Muradabad, P.S.- Sasaram, Dist- Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr. D.K. Sinha, Sr. Advocate and Mr. Alexander Ashok, Advocate

For the Opposite Party : Mr. Harendra Prasad, A.P.P.

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

ORAL ORDER

3      13-11-2025                      Heard learned senior counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Dehri (M) P.S. Case No. 156/2024 dated 19.10.2024 registered for the offences punishable under Sections 8/20(b)(ii)(C),25 and 29 of the N.D.P.S. Act.

3. As per the prosecution case, total 22 kgs., and 941 Grams of Ganja was recovered from the Silver Colour Swift Car on which the petitioner and the other two co-accused persons, namely, Vishal Pal and Arun Kumar Kushwaha were boarded.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the



present case. It is further submitted that while the petitioner was crossing through the place of occurrence to reach his home, he stopped to visualize the situation and as he refused to be a witness to the occurrence, his mobile was seized and finding him accused in five cases he has falsely been implicated in the present case. No incriminating article has been recovered from the conscious possession of the petitioner rather the alleged recovery of contraband was made from the car which belongs to the co-accused Vishal Pal which has been recorded during the investigation. The car in question from which recovery of Ganja was made does not belong to the petitioner. There is no statutory compliance under the provisions of the N.D.P.S. Act. The petitioner has five criminal antecedents in which he is on bail as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 19.10.2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail petition of the petitioner and has further submitted that the seized contraband is commercial quantity i.e., total 22 Kgs.,941 Grams which was recovered from the car on which the petitioner and the other co-accused persons were found boarded and the petitioner has no any valid authorization for keeping the same.



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 and finding substance in the contention of the learned A.P.P. for the State as well the recovery of commercial quantity from the car on which the petitioner and the other co-accused



persons were found boarded, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Dehri (M) P.S. Case No. 156 of 2024, pending in the court of learned Sessions Judge, Rohtas at Sasaram, the In-charge court of N.D.P.S. Act.

9. The application stands rejected.

10. The learned trial court is directed to expedite the trial of the petitioner and conclude the same at the earliest.

**(Chandra Prakash Singh, J)**

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