

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35748 of 2025

Arising Out of PS. Case No.-35 Year-2025 Thana- SUPAUL District- Supaul

Indal Kumar S/o Ganpat Yadav R/o village- Mathar, Ward no. 10, PS-
Muffasil, District- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India NDPS New Delhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arun Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Satyendra Prasad, APP
For the U.O.I	:	Dr. Krishna Nandan Singh (ASG)

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 17-06-2025 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 Supaul P.S. Case No. 35/2025 dated 29.01.2025 registered for the offences punishable u/s 8, 20(b)(ii)(c) and 25 of the N.D.P.S. Act.

3. As per the prosecution case, total 123.45 kgs. *Ganja* kept in six plastic packets was recovered from the Scorpio.

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 not named in the F.I.R. The name of the petitioner has sprung up during investigation as the owner 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 22.02.2025.

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. 123.45 kg *ganja*. The petitioner has no valid authorization for keeping the said contraband. The petitioner is owner of the said vehicle from which the recovery was made.

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 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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