

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42396 of 2024

Arising Out of PS. Case No.-07 Year-23 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Patna

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Manoj Ray Late Kamaldeo Ray R/O- Village- Salempur, P.S.- Nandlalpur,
P.S.- Lalganj, District- Vaishali

... .. Petitioner

Versus

The Union Of India Through Intelligence Officer, Narcotics Control
Bureau ,patna Zonal Unit, Patna Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Pandey, Adv

For the Opposite Party/s : Mrs. Shail Kumari, C.G.C

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

ORAL ORDER

7 14-02-2025 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 N.D.P.S. Case No. 23 of 2023, arising out of N.C.B. Case No. 07 of 2023 dated 26.03.2023 registered for the offences punishable under Sections 8(c), 20 (B)(ii) (C), 25 and 29 of the N.D.P.S. Act.

3. As per the prosecution case, total 270 kgs. *ganja* was recovered from the cabin of the truck.

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 truck. The other co-accused person has already been granted bail by this court *vide* order dated 10.01.2025 passed in Cr. Misc. No. 40853/2024. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 26.03.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the seized contraband is commercial quantity i.e. 270 kg *ganja*. The said *ganja* was recovered from the conscious possession of the petitioner who had no valid document. As per letter no. 17/2025, two witnesses have already been examined.

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, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with N.D.P.S. Case No. 23 of 2023, arising out of N.C.B. Case No. 07 of 2023, pending in the court of learned Additional District Sessions Judge 3rd, Supaul.

9. This application stands rejected.

(Chandra Prakash Singh, J)

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