

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43021 of 2025

Arising Out of PS. Case No.-62 Year-2024 Thana- NARPATGANJ District- Araria

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Dipak Kumar @ Deepak Kumar S/o Sri tirath Lal Kamat R/o Village- Baneli
Patti, Ward no 2, P.-S.- Birpur, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amrit Abhijat, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

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

ORAL ORDER

2 22-07-2025 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 Narpatganj P.S. Case No. 62/2024 corresponding to NDPS Case No. 40/2024 dated 04.02.2024 registered for the offence punishable u/s 21(c) and 22 and 23 of the N.D.P.S. Act.

3. As per the prosecution case, total 28.660 kg. Ganja was recovered from the possession of the petitioner.

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 has no concern with



the alleged recovery. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 04.02.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the regular bail application of the petitioner was earlier rejected by this court vide order dated 10.09.2024 passed in Cr. Misc. No. 39611/2024. Learned counsel has further submitted that the seized contraband is commercial quantity i.e. 28.660 kgs. ganja. The petitioner had no valid authorization for keeping the said contraband.

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.

6. 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 been 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.*”

7. Considering the aforesaid facts and circumstances of the case as well as the recovery of commercial quantity 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 Narpatganj P.S. Case No. 62/2024 corresponding to NDPS Case No. 40/2024 pending in the court of learned Additional District & Sessions Judge-IV, Araria.

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

(Chandra Prakash Singh, J)

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