

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46984 of 2025

Arising Out of PS. Case No.-304 Year-2024 Thana- RUNISAIDPUR District- Sitamarhi

1. Rajnish Kumar S/o Shri Awadhesh Rai R/o Village- Shitalpur (Tola Molaha), PS- Dariyapur, District - Saran
2. Azad Sahni S/o Shri Awadhesh Sahni R/o Village- Sumerpatti, PS- Dariyapur, District - Saran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar
For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 18-08-2025 Heard learned counsel for the petitioners and learned A.P.P for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Runnisaidpur P.S. Case No. 304 of 2024 dated 24.08.2024 registered for the offence/s punishable u/ss 8, 20(b)(ii)(C) of the NDPS Act.

3. As per the prosecution case, total 120 kgs Ganja was recovered from the car and the petitioners and the co-accused person were sitting in the said car.

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 petitioners. The petitioner no. 1 has one criminal case and the petitioner no. 2 has two criminal antecedents as stated in para 3 of the bail petition. The petitioners are in custody since 25.08.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners. The petitioners had no any valid authorization for keeping the said contraband. The said offence is related to the offence of NDPS Act and the Drug and Cosmetic Act.

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.e. 120 kgs. from the conscious possession of the petitioners, I am not inclined to enlarge the petitioners on bail. Accordingly the application stands rejected.

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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