

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49604 of 2025

Arising Out of PS. Case No.-1259 Year-2024 Thana- Excise P.S. District- Jamui

Amol Gaikwad S/o Narayan Gaekwad R/o Village- Navi Mumbai, Indira Nagar, P.S.- Turme, District- Thane (Maharashtra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ankita Kumari

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 19-08-2025 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 Jamui Madh Nishedh P.S. Case No. 1259 of 2024 dated 27.11.2024 registered for the offence punishable u/ss 8(c), 20(b)(ii)(C) and 25 of the N.D.P.S Act.

3. As per the prosecution case, total 469 kgs of ganja kept in 20 sacks was recovered from the truck driven by the petitioner.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is the driver of the said vehicle. Nothing



has been recovered from the conscious possession of the petitioner. The charge-sheet has been submitted against the petitioner. The petitioner has no concern with alleged recovery. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 28.11.2024.

5. Learned A.P.P. for the State and learned counsel for the C.G.C have vehemently opposed the bail petition of the petitioner and submitted that the petitioner was one of the occupant of the said vehicle in which total 469 kgs of ganja was recovered. The said seized contraband is of commercial quantity. The petitioner had no valid authorization for keeping the said contraband.

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.

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.*”

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 Jamui Madh Nishedh P.S. Case No. 1259 of 2024 pending in the court of learned Principal District and Sessions Judge, Jamui.

8. The application stands rejected and 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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