

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59716 of 2025

Arising Out of PS. Case No.-28 Year-2025 Thana- Bathnaha District- Araria

Niraj Kumar Paswan @ Neeraj Kumar Paswan @ Neeraj Kumar Son of
Bahadur Paswan, Resident of Village -Jimrahi, Ward No 2, PS- Bathnaha
District -Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Jyoti Prasad, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, APP

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

ORAL ORDER

2 01-09-2025 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 Bathnaha P.S. Case No.
28 of 2025, dated 04.04.2025 registered for the offences
punishable under Sections 8 and 20(b)(ii)(c) of the NDPS Act.

3. As per the prosecution case, after receiving
secret information, the informant along with the Police
personnel reached the alleged place. The petitioner was standing
at the said place and Police apprehended him under suspicion
and from the possession of the petitioner, a Samsung mobile
phone and two sacks containing 28 kg of *ganja* were recovered
from the *Machan* attached with the house 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 either from the conscious possession of the petitioner or from the house of the petitioner, rather the recovery has been made from a *Machan*. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. The petitioner is in custody since 05.04.2025.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and submits that 28 kg of *ganja* was recovered which is of commercial quantity. The petitioner has 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.

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 from the conscious possession of the petitioner, I am not inclined to enlarge the petitioner, above-named, on bail.

9. However, learned trial Court is directed to expedite and conclude the trial at the earliest.

10. The application stands rejected.

(Chandra Prakash Singh, J)

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