

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69939 of 2024

Arising Out of PS. Case No.-374 Year-2023 Thana- SONBERSA District- Sitamarhi

Sri Ram Sahni S/O Mahindra Sahni R/O Village - Malangwa, ward no.-9, P.S.
- Malangwa, Dist. -Sarlahi (Nepal)

... .. Petitioner/s

Versus

The Union of India through Director NCB Delhi Delhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Virendra Kumar
For the Opposite Party/s	:	Mr.Dr.Krishna Narayan Singh (A.S.G)
For the U.O.I	:	Mr. Amish Kumar, Adv(CGC)
		Mr. Aamir Hayat, Adv

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 19-02-2025 Heard learned counsel for the petitioner, learned counsel for the U.O.I and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Sonbarsa P.S. Case No. 374/2023 dated 15.12.2023 registered for the offences punishable u/s 8, 20(b)(ii)(C) of the N.D.P.S. Act.

3. As per the prosecution case, total 29 kgs. Ganja was recovered from the polythene bag which was allegedly thrown by 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 no criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 16.12.2023.

5. Learned A.P.P. for the State and learned counsel for the U.O.I have vehemently opposed the bail petition of the petitioner by submitting that the seized contraband is commercial quantity i.e. 29 kg *ganja*. The petitioner has no valid authorization for keeping the said *ganja*.

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 Sonbarsa P.S. Case No. 374/2023 pending in the court of learned Special Judge, Sitamarhi.

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

(Chandra Prakash Singh, J)

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