

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71778 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- D.R.I District- Patna

Neetish Kumar Singh @ Neetish Kumar S/O Sri Ramprawesh Singh Resident
of village-Purushottampur, P.S- Dighwara, District- Saran at Chhapra

... .. Petitioner/s

Versus

The Union of India through the Senior Intelligence Officer, Directorate of
Revenue Intelligence (DRI), Regional Unit, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Hemant Ray, Adv.
For UOI (DRI)	:	Mr. Sanchay Srivastava, Adv. Mr. Ankit Kumar, Adv. Mr. Sushant Srivastava, Adv. Mr. Ashish Kumar Patil, Adv.
For the Opposite Party/s :		Mr.Dr. Krishna Nandan Singh (Asg)

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

ORAL ORDER

5 15-04-2025 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 F. No.
DRI/LZU/PRU/718 (ii) ENQ/14/2024 appertaining to DRI
Patna Unit Case No. 02 of 2024-2025 dated 23.07.2024
registered for the offence/s punishable u/ss 20(b)(ii) ©, 25, 29
of the NDPS Act.

3. As per the prosecution case, total 65.600 kgs. Ganja
was recovered from the Hyundai Santro car bearing Registration
No. WB-74U-0423 and the petitioner and the co-accused person



were found sitting inside the 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 petitioner. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 08.05.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner. The petitioner is one of the occupants of the said vehicle. The petitioner 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. 65.600 kgs. from the conscious possession of the petitioner, I am not inclined to enlarge the petitioner on bail.

(Chandra Prakash Singh, J)

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