

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87600 of 2024

Arising Out of PS. Case No.-38 Year-2024 Thana- NAVINAGAR District- Aurangabad

Sulabh Kumar S/o Late Pradeep Kumar Singh @ Late Pradeep Singh R/O
Village-Bilaspur, P.S - Nabinagar, District-Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Mukul Kumari, Advocate.

For the Opposite Party/s: Mr.Pranav Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 24-01-2025 Heard Ms. Mukul Kumari, learned counsel
appearing on behalf of the petitioner and Mr. Pranav Kumar,
learned APP for the State.

2. The petitioner seeks bail in connection
with Nabinagar P.S. Case No. 38 of 2024 registered for the
offence punishable under Sections 20(B), (ii)(A) of the N.D.P.S.
Act.

3. As per the allegation made in the F.I.R., 300 grams
of *Marijuana* was recovered from the house of the petitioner.

4. Learned counsel appearing on behalf of the
petitioner submitted that the alleged recovery of *Marijuana* is
from the joint premises of the petitioner and the petitioner was
not present in the house at the time of alleged raid and seizure.
Learned counsel further submitted that otherwise also total



recovery is 300 grams which is less than the small quantity, as such, rigors of Section 37 of the N.D.P.S. Act will not come in his way. Petitioner has clean antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having considered the rival submissions made on behalf of the parties, as well as, the fact that the total quantity of marijuana has been recovered from the joint house of the petitioner and not from the possession of the petitioner. I find that in light of the observation made by the Apex Court *vide* order dated 12.02.2024 in the case of **State By the Inspector of Police Versus B. Ramu (SLP (Crl.) No(s). 8137 of 2022**, reason has to be recorded in case of recovery of commercial quantity of narcotic drugs or psychotropic substance, considering the rigors of Section 37 of the NDPS Act. The Apex Court in the aforesaid case, considering the quantity of the Ganja of 232.5 k.g. had dismissed the appeal in view of the fact that the accused were found to be in possession of 232.5 kg. of *Ganja*. However, in the present case, the quantity of *Ganja* which has been recovered is 300 grams, which is a small quantity and as such, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/-



(Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge, Aurangabad in connection with Nabinagar P.S. Case No. 38 of 2024, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

7. The bail application stands disposed of.

(Purnendu Singh, J)

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