

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88732 of 2024

Arising Out of PS. Case No.-209 Year-2023 Thana- MUFFASIL District- West Champaran

Sonu Ansari @ Sonu Kinnar son of Md. Sainullaha Anasri @ Sainullah
Ansari village- Purani Mehasi, Ps- Mehasi, Dist- East Champaran P/A- ITI
Colony, P.S- Bettiah (Muffasil), Dist- West champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-01-2025 Heard Mr. Bimlesh Kumar Pandey , learned counsel

for the petitioner and Mr. Chandra Bhushan Prasad, learned APP

for the State.

2. The petitioner is apprehending his arrest connection
with Bettiah (Muffasil) P.S. Case No. 209 of 2023, F.I.R. dated
30.03.2023 registered for the offences punishable under
Sections 8/12(b)(ii)(B)/23(C)/29 of the NDPS Act.

3. The case relates to recovery of 7 Kilograms of
Charas.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the
allegation as alleged in the F.I.R. is false and fabricated and the



name of the petitioner has been transpired on the basis of disclosure made by apprehended co-accused person Jai Prakash. He further submits that due to alternative motive the petitioner has been implicated in the present case.

5. Learned Additional Public Prosecutor, on the other hand, vehemently opposed the prayer for anticipatory bail of the petitioner and submits that altogether 7 Kilograms of Charas was recovered from the place of occurrence and the name of the petitioner has been transpired on the basis of disclosure made by apprehended co-accused person and the recovered contraband is more than the commercial quantity, so there is embargo under Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail.

6. The grant of bail in NDPS cases where the recovery of commercial quantity of narcotic is alleged is circumscribed under Narcotic Drugs and Psychotropic Substance Act, 1985, Section 37 which says that before grant of bail, the Court must have reason to believe that petitioner has not committed the offence and in the event of release he would not commit similar offence.

7. The issue was considered by the Hon'ble Supreme Court in the case of **State of Kerala and Ors. Vs. Rajesh and**



Ors. reported in **(2020) 12 SCC, 122** as well as in the case of **Narcotic Control Bureau Vs. Mohit Aggarwal** reported in **AIR 2022 SC 3444** and **Union of India vs. Ajay Kumar Singh @ Pappu** reported in **2023 SCC OnLine SC 3456** dated 28.03.2023.

8. The recovery of huge quantity of *Charas* recovered would not justify that the petitioner had no knowledge of the narcotic nor there is any material to substantiate that the petitioner would not commit such offence in the event of release.

9. Considering the aforesaid facts and circumstances of the case as well as nature of allegation in the F.I.R. and the quantity of recovery, I am not inclined to grant the privilege of anticipatory bail to the petitioner on bail in connection with Bettiah (Muffasil) P.S. Case No. 209 of 2023, pending in the Court of learned Exclusive Special Judge (NDPS), Bettiah, West Champaran.

10. Prayer is refused.

(Rajesh Kumar Verma, J)

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