

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90019 of 2024

Arising Out of PS. Case No.-118 Year-2022 Thana- PIRPAINTI District- Bhagalpur

Md. Noor @ Md. Noor Alam S/o Sekh Sirajuddin @ Sirajuddin R/Vill-
Govindpur, PS- Pirpainiti, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 11-04-2025 Heard Mr.Rajive Ranjan Singh,learned counsel for the
petitioner and Mr.Mithlesh Kumar Khare, learned A.P.P. for the
State.

2. The petitioner seeks bail, who is in custody since
14.02.2024 in connection with Pirpainty P.S. Case No. 118 of
2022,NDPS Case No.107/23, F.I.R. dated 12.04.2022 registered
for the offence punishable under Sections 8, 21(b),(ii)c/22 of
N.D.P.S. Act.

3. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case.

4. Earlier the prayer for bail of the petitioner was
rejected vide order dated 21.06.2024 passed in Cr. Misc.
No.32944 of 2024.

5. The present bail application has been filed by the



petitioner merely on the ground that co-accused person, namely, Md. Manovar has been granted regular bail by a Coordinate Bench of this Hon'ble Court vide order dated 02.08.2024 passed in Cr. Misc. No. 44582 of 2024.

6. Learned APP for the State, on the basis of the material available on the record and the case diary, has vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that the petitioner and other co-accused person have procured the Ganja from State of Tripura and altogether 83 kilograms of Ganja has been recovered from the bamboo orchard and apart from that, it has come during investigation that the petitioner has confessed his guilt alongwith other co-accused persons that all accused persons have brought the Ganja from the neighbouring States like Assam, Tripura, Mijoram and Nagaland and distributed the same to the small shopkeepers and apart from that, the regular bail of the co-accused person, namely, Md. Firoj has been rejected by this Court vide order dated 05.09.2023 passed in Cr.Misc.No.47700 of 2023 and regular bail of the petitioner was also rejected by this Court vide order dated 21.06.2024 passed in Cr. Misc. No.32944 of 2024.

7. The grant of bail in NDPS cases where the recovery



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

8. The issue was considered by the Hon'ble Supreme Court in the case of **State of Kerala and Ors Vs. Rajesh & 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 recently decided the judgment in the case of **Union of India Vs. Ajay Kumar Singh @ Pappu**, reported in **2023 SCC OnLine SC 346**.

9. The recovery of huge quantity of Ganja from possession of the petitioner 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.

10. Hence, I am not inclined to enlarge the petitioner on bail in connection with Pirpainty P.S. Case No. 118 of 2022, NDPS Case No.107/23, pending in the court of learned District and Sessions Judge XV, Bhagalpur.



11. Prayer is refused.

(Rajesh Kumar Verma, J)

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