

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87510 of 2024

Arising Out of PS. Case No.-89 Year-2024 Thana- NADI P.S. District- Patna

Manjit Kumar @ Baba @ Aranjit Kumar @ Manjeet Kumar Son of Uday Ray
Resident of Vill- Masjit Gali, Maujipur, P.S.- Nadi, District- Patna

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Adv.

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

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

ORAL ORDER

2 18-02-2025 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 Special NDPS Case No. 138/2024 arising out of Nadi P.S. Case No. 89 of 2024 dated 15.03.2024 registered for the offence punishable u/ss 8, 20(b) (ii) (C) of the N.D.P.S. Act.

3. As per the prosecution case, total 68.700 Kgs. ganja was recovered from the house of the petitioner and the co-accused persons.

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. It is further submitted that the petitioner has no



concern with the alleged recovery rather the recovery has been made from the joint house and the petitioner is not the owner of the said house. The petitioner is also accused in five other criminal cases in which he is on bail as stated in para 3 of the bail petition. The petitioner is in custody since 07.08.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner. It is further submitted that the recovery has been made from the house of the petitioner. It is further submitted that the seized contraband is commercial quantity i.e., 68.700 Kgs. of *ganja*. Learned counsel has further submitted that the petitioner had no valid authorization for keeping the said *ganja*.

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.

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.*”

6. Considering the aforesaid facts and circumstances of the case as well as the finding substance in the contention of learned counsel for the State and the recovery of commercial quantity 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 Nadi P.S. Case No. 89/2024 pending in the court of learned Sessions Judge /Special Judge (N.D.P.S), Patna.

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

(Chandra Prakash Singh, J)

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