

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88339 of 2024

Arising Out of PS. Case No.-377 Year-2020 Thana- SASARAM MUFFSIL District- Rohtas

Vinod Kumar Giri @ Binod Kumar Giri @ Binod Giri Son of Mahadev Giri
Resident of Village- Barnaw ke Southern Mathiya, P.S.- Ayer, Distt.- Bhojpur
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-02-2025 Heard Mr. Prabhat Kumar Singh, learned counsel

for the petitioner and Mr. Lalan Kumar, learned A.P.P. for the

State.

2. The petitioner seeks bail, who is in custody since
09.09.2024, in connection with N.D.P.S. Case No. 09 of 2023
arising out of Sasaram (M) P.S. Case No. 377 of 2020, FIR
dated 07.12.2020 registered for the offence under Sections 8,
20(b), (ii), (c), 25 and 29 of the N.D.P.S. Act.

3. Recovery of 852.96 kilogram of ganja.

4. Learned counsel appearing for the petitioner
submits that the petitioner is innocent and he has falsely been
implicated in this case. He further submits that it appears from
the FIR as well as seizure list that nothing has been recovered
from the conscious possession of the petitioner rather recovery
have been made from the truck in question and the name of the



petitioner has been transpired in this case on the basis that he is owner of the truck in question. The petitioner is rotting in judicial custody since 09.09.2024.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that from a bare perusal of the FIR as well as seizure list it appears that altogether 852.96 kilograms of ganja was recovered from the truck in question and two persons, namely, Om Prakash Singh and Niranjana Kumar were arrested along with the truck in question and they have informed the prosecution that the petitioner is owner of the vehicle in question and apart from that the petitioner carries two more cases other than the present one but fairly submits on the basis of the paragraph no.3 of the bail petition that the petitioner is on bail in all the pending matters. He further submits that the F.S.L. report confirms that the recovered contraband is Ganja and the recovered contraband is more than the commercial quantity, so there is embargo under Section 37 of the N.D.P.S. Act.

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 Ganja 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. Hence, I am not inclined to enlarge the petitioner on bail in connection with N.D.P.S. Case No. 09 of 2023 arising out of Sasaram (M) P.S. Case No. 377 of 2020 pending in the Court of learned Chief Judicial Magistrate, Bhojpur at Ara.

10. Prayer is refused.

(Rajesh Kumar Verma, J)

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