

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66753 of 2022**

Arising Out of PS. Case No.-1 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Bhojpur

=====

PRITAM LAKRA S/O Jems Lakra @ Jivan James Lakra Resident of Village-
Taku, P.S.- Kuru, District- Lohardaga, Jharkhand-835213

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through Narcotics Control Bureau, Patna Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vishal Kumar Singh, Adv.
For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP
For Union of India : Mr. Ram Anurag Singh, C.G.C.

=====

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 20-06-2023 Heard learned counsel for the petitioner, learned
counsel for the Union of India and learned Additional Public
Prosecutor for the State.

Petitioner seeks bail, who is in custody since
03.02.2021 in connection with N.D.P.S Case No.6/2021, arising
out of N.C.B. Case No. NCB/PZU/V/01/2021 dated 02.02.2021,
for the offences punishable under Sections 8(c), 20(b) (ii) ©, 25
and 29 of NDPS Act.

According to prosecution case, altogether 909.2 Kg
ganja has been recovered from the truck in question, in which
the petitioner along with other person was sitting, which was to
be delivered to one Bijendra Kumar Ray.



Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the truck in question. He further submits that the petitioner is the cleaner of the truck in question and he has no concern at all with the alleged recovery of contraband.

Learned counsel for the Union of India as well as learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that altogether 909.2 kg of ganja has been recovered from the truck and F.S.L. report also confirms that the recovered contraband is ganja and the petitioner was also in regular touch with the accused persons namely Shankar Yadav, Bijendra Kumar Roy and Nav Kumar Ojha, which confirms his involvement in the occurrence.

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 petitioner has not committed the offence and in the event of release he would not commit similar offence.

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, Narcotic Control Bureau Vs. Mohit Aggarwal**, reported in **AIR 2022 SC 3444** and **SLP (CRL) No.2351 of 2023 (Union of India Vs. Ajay Kumar Singh @ Pappu) dated 28.03.2023**.

The recovery of huge quantity of Ganja from truck in question 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. Hence, I am not inclined to enlarge the petitioner on bail in connection with N.D.P.S Case No.6/2021, arising out of N.C.B. Case No. NCB/PZU/V/01/2021 pending in the court of learned Sessions Judge, Bhojpur, Ara.

Prayer is refused.

(Rajesh Kumar Verma, J)

amit/-

U		T	
---	--	---	--

