

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26794 of 2018

Arising Out of PS. Case No.-38 Year-2017 Thana- NAUGACHHIYA RAIL P.S. District-
Khagaria

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Niranjan Yadav S/o Kapil Deo Prasad Yadav, R/o Vill.- Araria, Ward No. 11,
P.S.- Parbatta, O.P.- Maraiya, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Sri Anant Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 09-07-2018 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with Naugachhia P.S. Case No. 38 of 2017, registered for the offences punishable under Sections 20/22 of the N.D.P.S. Act and Sections 137/147 of the Railways Act.

The allegation is regarding the police, upon searching the bogie of a train, having found two trolley bags beneath the seat of the petitioner on which the petitioner was sitting and no other passenger was sitting nearby. After search of the trolley bags, 36.4 kg. of ganja was recovered.

The learned senior counsel for the petitioner submits that the petitioner is innocent and in fact, the police has falsely



implicated the petitioner, although, the fact is that the said trolley bags were not recovered from the petitioner. The petitioner is languishing in custody since 29.11.2017.

I have heard the learned senior counsel for the petitioner and perused the records as well as the case diary and I find that prima facie, the petitioner is guilty of carrying 36.4 kg. of ganja, which comes under the category of commercial quantity as per the appendix of the N.D.P.S. Act 1985. The petitioner is also an accused in two other cases.

It is a trite law that under Section 37 of the N.D.P.S. Act 1985, this Court will have to come to a finding of innocence of the petitioner in order to enlarge the petitioner on bail which this Court, at the moment, cannot arrive at, hence, I do not find any merit in the present petition. Accordingly, the prayer of the petitioner for grant of bail is rejected.

(Mohit Kumar Shah, J)

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