

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 37253 of 2020

Arising Out of PS. Case No.-60 Year-2018 Thana- SUGAULI RAIL PS District- East
Champaran

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SURAJ KUMAR SON OF KAPILDEO PASWAN @ KAPILDEV PASWAN
RESIDENT OF VILLAGE- MEHA MEHAN, WARD NO. 2, P.S.-
DANDARI, DISTRICT- BEGUSARAI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Vinay Kumar Mishra, Advocate

For the Opposite Party/s : Mr Amitesh Kumar, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

11 17-05-2021 This case has been taken up today for consideration
through Video Conferencing.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Sugauli Rail Police
Station Case No 60 of 2018 arising out of Narcotic Drugs and
Psychotropic Substances (for brevity, *NDPS*) Act Case No 76 of
2018 instituted for the offence punishable under Sections 8 and
20 of NDPS Act, 1985.

The petitioner is alleged to have been arrested with 13
packets, which if taken together, amounted to 6.5 Kilograms of
Charas. In the circumstances, he is in custody since



30.11.2018.

It is submitted by the learned counsel for the petitioner that the petitioner has falsely been implicated in this case. He was a student and was returning home from the house of his sister-in-law. On the way, due to previous enmity between the father of the petitioner and the informant, he has been falsely implicated in this case.

Learned APP for the State has opposed the prayer for bail referring to Section 32A of NDPS Act. It is submitted that the recovered quantity being much beyond the commercial quantity, the petitioner, in terms of the statutory provision, is not entitled to the privilege of bail until and unless, by way of argument, prima facie, he is able to show to the Court that the offence has not been committed. Having failed to do so, the petitioner's prayer for bail is fit to be rejected.

Having regard to the submissions advanced by the parties, this Court is not inclined to grant bail to the petitioner. Prayer for bail is rejected for the present.

(Madhuresh Prasad, J)

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