

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.49401 of 2022**

Arising Out of PS. Case No.-171 Year-2021 Thana- BIRPUR District- Supaul

Mithilesh Kumar @ Mithlesh Kumar S/o Ashok Mandal R/o village-  
Debiganj Pathraha Ward No. 6, P.S.- Narpatganj, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Kamal Kishore Singh

For the Opposite Party/s : Mr. Ganesh Prasad Singh

**CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA**  
**ORAL ORDER**

2      14-12-2022      Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

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

The petitioner seeks bail in connection with Birpur P.S. Case No. 171 of 2021 registered for the offence punishable under Section 8/20 (b) (ii) (c) of the N.D.P.S. Act 1985.

As per the prosecution case, there was recovery of 47



kg Ganja from a Scorpio vehicle and the petitioner was driving the said vehicle who managed to flee away. The allegation against the petitioner is that he was driver of seized vehicle who alongwith owner of the vehicle were involved in smuggling of Ganja from Nepal to India.

Learned counsel for the petitioner submits that the mandatory requirement of provision of Section 50 of N.D.P.S. Act has not been complied with and petitioner is in custody since 22.08.2021. Petitioner has no criminal antecedent and charge-sheet has already been filed and there is no chance of his absconding or tempering with the evidence.

Learned APP for the State has opposed the prayer for regular bail of the petitioner in view of recovery of commercial quantity of Ganja and in view of Section 37 of N.D.P.S. Act.

Considering the facts and circumstances of the case and recovery of commercial quantity of Ganja, this Court is not inclined to enlarge the petitioner on bail. The prayer of petitioner to release him on bail is rejected.

**(Sunil Dutta Mishra, J)**

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