

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24111 of 2022

Arising Out of PS. Case No.-26 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Aurangabad

=====

DIPENDRA KUMAR THAKUR, Son of Bacchu Thakur, Resident of Village-
Mitar, P.S.- Manatu, District- Palamu (Jharkhand).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Pramod Rajpati, Advocate
For the Opposite Party/s : Mr.Anil Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 17-01-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with G. R. Case
No. 26 of 2021 registered for the offence punishable under Sections
8, 17(c), 18(c) of the N.D.P.S. Act, 1985.

It is the prosecution case that the petitioner was carrying a
bag containing 5.900 Kgs of Opium. When he was searched then he
has named one co-accused (Rakesh Kumar) as the person who had
asked him to carry the opium for payment of an amount of Rs.
4,000/- (four thousand rupees).

Learned counsel for the petitioner thus submits that the
co-accused Rakesh Kumar is the main accused who was indulging in
trade. The petitioner was, as per allegation, merely carrying the
contraband for payment of a paltry sum.

Learned APP for the State on the other hand has opposed
the prayer for bail. It is submitted that the prosecution case presents a



circumstance which viewed in the background of the quantum of alleged recovery (commercial quantity) from the petitioner, attracts the bar under Section 37 of the N.D.P.S. Act.

Considering the quantum of recovery (commercial quantity) and the petitioner's period of custody since 09.12.2021, this Court is not inclined to allow the prayer, for the present.

Prayer for bail of the petitioner is rejected.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

shashank/-

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

