

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6224 of 2024

Arising Out of PS. Case No.-40 Year-2023 Thana- NAYAGAON District- Begusarai

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ABHINAY KUMAR SON OF BHOGENDRA SINGH R/O AND P.S.-
NAYAGAON, DISTT.-BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan, Advocate

For the Opposite Party/s : Mr.Anant Kumar I, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 08-05-2024 Heard learned counsel for the petitioner, learned APP
for the State and perused the case diary.

2. The petitioner seeks bail in connection with
Nayagaon P.S. case No. 40 of 2023, NDPS Case No. 36 of 2023,
instituted for the offences under Sections 20(b)(ii)(c), 8(c), 22(c)
of the N.D.P.S. Act and Sections 25(1-b)a, 26(i) of the Arms
Act.

3. Prosecution case, in short, is that total 60 Kg. *ganja*
and one country-made revolver has been recovered from the
batha situated beside the house of the petitioner.

4. Learned counsel for the petitioner submitted that the



petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Petitioner is in custody since 17.07.2023 and has no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner. There is no compliance of Section 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP submits that the recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the N.D.P.S. Act.

6. Considering the aforesaid facts and circumstances of the case and recovery of contraband beyond commercial quantity coupled with embargo under Section 37 of the N.D.P.S. Act, this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected.

(Rudra Prakash Mishra, J)

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