

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20921 of 2024**

Arising Out of PS. Case No.-2253 Year-2023 Thana- Excise P.S. District- Purnia

Jahrul Sheikh son of Rashid Sheik, D/o- Yogesh Chandra Sen, Wife of Asit  
Mitra Village- Chanderkutti Nagerbari W.No-2, Ps- Dinhattaj Dist- Kuchbihar  
W.B

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Vikram Singh, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad

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

2      21-03-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with Excise  
Sadar P.S. Case No.2253 of 2023 instituted for the offences  
under Sections 8/20(b)(C)/25 N.D.P.S. Act.

3. Prosecution case, in short, is that 78.506 Kilograms  
Ganja come for smuggling from the four wheeler vehicle  
bearing Registration No. WB-70L-0598 was seized by the  
police.

4. Learned counsel for the petitioner submits that  
petitioner has falsely been implicated in this case due to ulterior  
motive of the informant. Petitioner is neither possessed nor  
transporting the above alleged seized *Ganja* from the said  
vehicle and they were passengers of the said vehicle and they



had no knowledge about the incriminating article. Petitioner is in custody since 05.10.2023 and has no criminal antecedent. There is no compliance of sections 42 and 50 of the NDPS Act.

5. Learned APP for the State has vehemently opposes the prayer for grant of bail to the petitioner and submits that the recovered contraband is above the commercial quantity. Hence, there is a bar under Section 37 of the NDPS Act.

6. Considering the recovery of contraband Ganja from the alleged car, while these petitioner was transporting the same from one state to another for smuggling and the petitioner arrested by the informant with the help other police personnel on chase, while they tried to flee away after leaving the vehicle, so I am not inclined to enlarge the petitioner on bail.

Accordingly, the prayer of bail of the petitioner is hereby, rejected.

**(Rudra Prakash Mishra, J)**

Prakash Narayan

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