

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16855 of 2024

Arising Out of PS. Case No.-12 Year-2023 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Saran

Subhash Sah @Subhas Sah Son Of Late Kunjbhuwan Sah Resident Of
Village- Sidhbaliya, Po- Kathiya Mathiya, Ps- Kangali, Distt- Betiah (West
Champaran)

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India Through The Director, Narcotics Control Bureau, Patna
Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Abhijeet Abhigyan, Advocate
For the Opposite Party/s :	Mr. Pramod Kumar Pandey, APP
For the UOI :	Mr. Arsadhesh Kumar Pandey, Sr. CGC
	Mr. Arvind Kumar, CGC

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

ORAL ORDER

3 30-04-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with NCB
Case No. 12 of 2023 instituted for the offences under Sections
8(c), 20(b)(ii)(c), 25 & 29 of the NDPS Act.

3. Prosecution allegation, in short, is that the 15.900
Kgs of ‘charas’ was recovered from the possession of the co-
accused, including the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. The petitioner is in custody since 27-07-2023, and



has got one criminal antecedent. Charge-sheet has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. Learned counsel further submits that there is no compliance of Section 50 and sub-Section (3) of 51-A of the NDPS Act. It is also submitted that there is no compliance of Section 100 of the Cr.P.C.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned A.P.P. submits that 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, accordingly, *rejected*.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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