

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19342 of 2024**

Arising Out of PS. Case No.-445 Year-2023 Thana- MANER District- Patna

Shubham Kumar Son of Ramesh Prasad Resident of Char Hazar Mohalla,
P.S.-Maner, Distt.-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mohit Raj, Advocate

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

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

ORAL ORDER

2 18-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Maner
P.S. case No. 445 of 2023 instituted for the offences under
Sections 8(c), 20(b), 21(c) of the N.D.P.S. Act.

3. Prosecution case, in short, is that total 275 grams of
smack, 25 grams of opium has been recovered in this case.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Charge-sheet has been submitted in this case. Petitioner is in



custody since 13.06.2023 and has two criminal antecedents. 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.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and submitted that recovered contraband is more than 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. Prayer is rejected.

8. Learned trial Court is directed to expedite the trial.

(Rudra Prakash Mishra, J)

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