

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18585 of 2024

Arising Out of PS. Case No.-7 Year-2022 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Bhagalpur

=====

Narayan Sah S/O Late Anandi Sah R/O Village- Rachyahi, Sitarampur, P.S-
Matihani, Distt.- Begusarai.

... .. Petitioner/s

Versus

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

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

For the NCB : Mr. Anand Kumar Ojha, Advocate

=====

**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 NDPS Case No. 29 of
2022, arising out of NCB Case No. 07 of 2022 instituted for the
offences under Sections 8(c)r/w and 20(b)(ii)(c), 25 & 29 of the
NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 124 Kgs of ‘ganja’ from the Tata Truck bearing
Registration No. BR01GC8098.

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 28-02-2022 and has got no 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 petitioner is the driver of the truck and was oblivious of the fact that ganja was laden in the truck. It is submitted that there is no compliance of Sections 50, 57 and 67 of the NDPS Act.

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 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/-

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

