

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36091 of 2024

Arising Out of PS. Case No.-13 Year-2024 Thana- BODHGAYA District- Gaya

Ashok Kumar Manjhi Son of late Amirak Manjhi Resident of Village -
Amwan, P.S.- Bodhgaya, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. The Union Of India Through The Narcotic Commissioner, New Delhi New
Delhi

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 26403 of 2024

Arising Out of PS. Case No.-13 Year-2024 Thana- BODHGAYA District- Gaya

Mithlesh Yadav Son Of Late Ramroop Yadav resident of village - mahmatpur,
p.s. - Mohanpur, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 36091 of 2024)

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

(In CRIMINAL MISCELLANEOUS No. 26403 of 2024)

For the Petitioner/s : Mr. Alok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Anish Chandra, APP

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

ORAL ORDER

4 24-06-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with
Bodhgaya PS Case No. 13 of 2024 instituted for the



offences under Sections 8, 21(c), 25 & 29 of the NDPS Act.

3. Prosecution allegation, in short, is that there is recovery of total 532.8 grams heroines has been recovered from the joint possession of the petitioners.

4. Learned counsel for the petitioner submits that the petitioners are innocent and have falsely been implicated in the present case. The petitioners are in custody since 10-01-2024 and petitioner of Cr. Misc. No. 36091 of 2024 bears four criminal antecedents while petitioner of Cr. Misc. No. 26403 of 2024 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 that petitioners have no concern with the recovered contraband.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners. 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 petitioners.

7. The prayer is **rejected**.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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