

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27813 of 2024

Arising Out of PS. Case No.-109 Year-2023 Thana- KOTHI District- Gaya

Shiv Nandan Paswan Son of Late Rameshwar Paswan Resident of Village-
Bengadohar, P.S.- Kothi, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar, Advocate

For the Opposite Party/s : Ms. Dr. Indihar Kumari, APP

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

ORAL ORDER

2 29-04-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Kothi
P.S. Case No. 109 of 2023 instituted for the offence under
Sections 8/15(c), 18, 25 & 29 of the NDPS Act.

3. Prosecution case in short is that 1652 Kgs opium
was recovered from newly constructed Primary School,
Bengadohar.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 07-09-2023. Petitioner is a
man of clean antecedent.

5. It has been further submitted by the petitioner's
counsel that petitioner has been falsely implicated in the present



case. From perusal of the FIR, it would reveal that nothing has been recovered from the possession of the petitioner. It is also submitted that place of occurrence is naxal prone area and petitioner has no concern with the said contraband article.

6. 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. Hence, the petitioner does not deserve privilege of bail.

7. 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.

8. The prayer is rejected.

9. The Trial Court is directed to expedite the trial without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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