

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33386 of 2024

Arising Out of PS. Case No.-21 Year-2024 Thana- CHHAURADANO District- East
Champaran

=====

Surendra Sah, Son of Lalbabu Sah, Resident of Village and P.O. and P.S.-
Kalya, Distt.- Bara Nepal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

=====

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

ORAL ORDER

2 01-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Chauradano (Mahuawa O.P.) P.S. Case No. 21 of 2024 instituted
for the offences under Sections 20(b)(ii)(c), 23(c) and 25 of the
N.D.P.S. Act.

3. As per the prosecution case, petitioner along with one
co-accused was apprehended on spot and total 35 Kg. Ganja was
recovered from two plastic bags which were carrying by them.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in the
present case. The petitioner is in judicial custody since 18.01.2024
and has got no criminal antecedent. There is no allegation of



tampering of witnesses alleged against the petitioner. Learned counsel for the petitioner further submits that nothing incriminating article has been recovered from the conscious possession of petitioner. There is no compliance of provisions of search and seizure under N.D.P.S. Act as well as under I.P.C.

5. Learned A.P.P. for the State has vehemently opposed the prayed 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. Learned A.P.P. further submits that huge quantity of contraband is recovered and the petitioner does not deserve privilege of bail.

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 prayed is rejected.

8. Learned trial Court is directed to expedite the trial and conclude the same as early as possible.

(Rudra Prakash Mishra, J)

lata/-

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

