

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32714 of 2024

Arising Out of PS. Case No.-41 Year-2023 Thana- BHANGHA District- West Champaran

Dambar @ Dambar Shreshtha Son of Late Chandra Bahadur Shreshtha @
Late Chandrabahadur Shreshtha, Resident of Vijaybasti, P.S. - Vijaybasti,
District - Parsa, Nepal.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 05-07-2024 Heard Mr. Bimlesh Kumar Pandey, the learned
counsel for the petitioner and Mr. Uma Shankar Prasad Singh,
the learned Additional Public Prosecutor for the State.
2. Petitioner seeks regular bail who is in custody since
21.05.2023, in connection with Bhangaha P.S. Case No. 41 of
2023, FIR dated 21.05.2023, registered for the offences
punishable under Sections 8, 20(b)(ii)(c) and 29 of the NDPS
Act.
3. Earlier the petitioner has moved before this
Hon'ble Court in Cr. Misc. No. 55341 of 2023, which was
rejected vide order dated 12.09.2023.
4. According to the prosecution case, the informant
along with other police personnel was on patrolling duty and



they saw one person (petitioner) carrying something in the plastic bag, who upon seeing police started fleeing. It is further alleged that the police managed to apprehend the person, who disclosed his name as Dambar Shreshtha and from his possession altogether 22.200 kgs of *ganja* was recovered.

5. Altogether 22.200 kgs of *ganja* has been recovered and FSL report also confirms that the allegedly recovered contraband is indeed *ganja* and the amount of recovered contraband is more than the commercial quantity, so there is embargo under Section 37 of the NDPS Act to enlarge the petitioner on bail. Apart from that, the report of the learned trial Court reveals that charge has been framed against the petitioner and witnesses have been examined and out of seven chargesheeted witnesses, one witness has been examined and the case is pending for the examination of rest of the prosecution witnesses.

6. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts and circumstances and the fact that the mount of recovered contraband is more than commercial quantity as well as the report of the learned trial



Court, I am **not** inclined to enlarge the petitioner on bail in connection with Bhangaha P.S. Case No. 41 of 2023, pending in the Court of learned Exclusive Special Judge, NDPS, Bettiah, West Champaran.

8. Prayer is refused.
9. However, the learned trial Court is directed to expedite the trial and conclude the same at the earliest.

(Rajesh Kumar Verma, J)

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