

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34701 of 2024

Arising Out of PS. Case No.-256 Year-2023 Thana- GHORASAHAN District- East
Champaran

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Ful Mohammad Son of Sarfulah Miyan @ Sarfullah Mohammad Resident of
Village- Budhuwaha, P.S.- Chhauradano, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Alka Singh, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

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

ORAL ORDER

2 06-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with NDPS
Case No. 56 of 2023 arising out of Ghorasahan P.S. Case No. 56
of 2023 (arising out of Ghorasahan P.S. Case No. 256 of 2023
instituted for the offences under Sections 8, 20(b)(ii)(c) of the
NDPS Act.

3. Prosecution allegation, in short, is that a total of 2.6
kg charas and Nepali registration number motorcycle has been
recovered from the possession of the petitioner and he disclosed
his name as Ful Mohammad. Accordingly, seizure list was
prepared.

3. 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 11.05.2023 and has got antecedent of seven criminal cases. Charge-sheet has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner.

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. Learned Trial Court is directed to expedite the trial.

(Rudra Prakash Mishra, J)

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