

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39554 of 2024

Arising Out of PS. Case No.-181 Year-2020 Thana- GOH District- Aurangabad

Kamakhya Giri son of Late Indradeo Giri Village- Shankarpur Po Ps- Haspura
Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

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

ORAL ORDER

3 26-07-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Goh
PS Case No. 181 of 2020 instituted for the offences under
Sections 8, 20(b)(ii)(B), 25 & 29 of the NDPS Act.

3. The earlier bail application of the petitioner was
twice rejected *vide* orders dated 05-01-2022 & 22-09-2023,
passed in Cr. Misc. No. 41073 of 2021 and Cr. Misc. 34611 of
2022, respectively.

4. Prosecution case, in brief, is that 22 Kg 49 gm of
Ganja was recovered from the physical possession of the
persons named in the FIR, who disclosed name of the petitioner,
as the one who had allegedly supplied *Ganja* to them.



5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that petitioner is implicated in the instant case on the basis of confessional statement of co-accused persons, namely, Nirju Kumar, Bhola Singh, Santosh Kumar, Satyendra Singh. It is submitted that petitioner has no concern with the recovered contraband. Nothing incriminating has been recovered from the conscious possession of the petitioner. There is no allegation of tampering of witnesses alleged against the petitioner.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel for the State submits that from perusal of the FIR, it appears that petitioner is a party to the criminal conspiracy. He further submits that recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the N.D.P.S. Act, and the petitioner does not deserve bail.

7. A report was called for from the Trial Court with respect to the stage of the case/trial. It has been reported that the case is at the stage of prosecution evidence.

8. Considering the aforesaid facts and circumstances of the case and taking into account the recovery, which is more



than commercial quantity, I am not inclined to grant bail to the petitioner. The prayer is *rejected*.

9. However, Trial Court is directed to expedite the trial as expeditiously as possible, without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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