

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35497 of 2024

Arising Out of PS. Case No.-3 Year-2024 Thana- BHANGHA District- West Champaran

Ashok Yadav S/O Suresh Yadav R/O Village- Bhangaha, P.S- Bhangaha,
Distt.-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

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

ORAL ORDER

2 09-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Bhangaha P.S. Case No. 03 of 2024 instituted for the offences
under Sections 20(b)(ii)(c), 22(c), 23(c) and 24 of the N.D.P.S.
Act.

3. As per prosecution case, the police has recovered
total 30 Kg. Ganja from the while colour Xylo vehicle bearing
Regd. No. BR-22P-1536.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
The petitioner has no concern with the seized contraband or the



alleged vehicle. The alleged Ganja has been recovered from the co-accused Arjun Kumar from his own vehicle which he had purchased from one Mukesh Kumar. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. There is no F.S.L. report in the record to ascertain the alleged recovered article is Ganja or something else. There is no compliance of Section 42 and 50 of the N.D.P.S. Act. The petitioner has one criminal antecedent in which he is on bail and is languishing in judicial custody since 19.01.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner submitting that the recovered contraband is above the commercial quantity and, hence, there is bar under Section 37 of the N.D.P.S. Act. From the impugned order, it appears that the co-accused in his confessional statement has confessed the involvement of the petitioner in this case. Several witnesses have also supported the case of the prosecution.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner,



above named, is rejected with a direction to the court below
to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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