

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45964 of 2024

Arising Out of PS. Case No.-333 Year-2023 Thana- BATHNAHA District- Sitamarhi

1. Bhagirath Rai Son Of Lalan Rai Resident Of Village - Bala Kothi, Police Station - Basantpur, District - Siwan
2. Lalbabu Manjhi Son Of Late Motilal Manjhi Resident Of Village - Bala, Police Station - Basantpur, District - Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 02-08-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in Bathnaha P.S. Case No. 333 of 2023, instituted for the offences under Sections 8, 20(ii) (b)(c), 22(c) and 23(c) of the NDPS Act.

3. Prosecution allegation, in short, is that the police has recovered total 363 Kgs. 800 Gms. *Ganja* from two vehicles i.e. Container Truck and the Scorpio.

4. learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. The petitioners are in custody since 08.08.2023 and have got no criminal antecedent. Charge-sheet has been



submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioners. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioners. The petitioners have got no concern with the alleged recovery of *ganja*.

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, recovery of contraband beyond commercial quantity coupled with embargo put under Section 37 of the N.D.P.S. Act, this Court is not inclined to grant bail to the petitioners.

7. The prayer is rejected.

(Rudra Prakash Mishra, J)

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