

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43394 of 2024

Arising Out of PS. Case No.-3 Year-2024 Thana- LUTUA District- Gaya

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Ramanuj Kumar @ Pramod Kumar S/O Ram Dular Sao R/O Village- Lutua,
P.S- Lutua, Distt.- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

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

ORAL ORDER

3 26-10-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in Lutua P.S. Case No. 03
of 2024, instituted for the offences punishable under Sections 8,
17(c) and 18(c) of the N.D.P.S. Act.

3. The prosecution case, in short, is that, there is
recovery of 08.5 Kg milk of “*Afeem*” in four boxes from the
possession of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. Learned counsel for



the petitioner also submits that the petitioner has got no concern with the alleged recovery of the contraband. The petitioner is in custody since 03.03.2024 and has got no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned A.P.P. also submits that from the FSL report it transpires that the recovered contraband is Morphine and the 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. The Trial Court is directed to expedite the Trial expeditiously.

(Rudra Prakash Mishra, J)

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