

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43586 of 2024

Arising Out of PS. Case No.-15 Year-2024 Thana- FULKAHA District- Araria

Amresh Paswan Son of Rami Paswan Resident of Village - Bhawanipur, Ward
No.- 05, P.S.- Fulkaha, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kishore Bharti, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP

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

ORAL ORDER

4 26-10-2024 Heard Mr. Vijay Kishore Bharti, learned counsel
for the petitioner and Mr. Choubey Jawahar, learned APP for the
State.

2. The petitioner seeks bail in Fulkaha P.S. Case No.
15 of 2024, instituted for the offences punishable under Sections
8, 20(b)(ii)(c) of the N.D.P.S. Act.

3. The prosecution case, in short, is that, there is
recovery of 120 Kg *ganja* 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 further submits that the petitioner has got no
concern with the alleged recovery of *ganja*. The petitioner is in
custody since 06.02.2024 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. 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.

(Rudra Prakash Mishra, J)

Rajorshi/-

U		T	
---	--	---	--

