

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48543 of 2023

Arising Out of PS. Case No.-229 Year-2022 Thana- BELA District- Sitamarhi

Janardhan Prasad @ Shankar Mistri S/O Late Babua Prasad @ Babuaa Prasad
Ray R/V- Saristapur, P.O- Ganpura, P.S- Janta Bazar, Distt.- Saran At Chhapra
(Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha, Adv.

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

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

ORAL ORDER

6 07-05-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Bela
P.S. Case No. 229 of 2022 instituted for the offences under
Sections 8/20(b)(ii)(c) of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered
total 112.8 Kgs. Ganja from the dicky of Maruti Suzuki Swift
Dzire car bearing Regd. No. BR01BC-0999 and apprehended
one person namely Janardhan Prasad (the petitioner).

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.
He further submits that the petitioner was neither arrested on the



spot nor anything incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the seized contraband or the alleged vehicle. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 15.09.2022 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner stating that petitioner is named accused in the F.I.R. and was apprehended on the spot with 112.8 Kgs. Ganja. He further submits that the recovered contraband is above the commercial quantity and, hence, there is a bar under Section 37 of the N.D.P.S. Act. After investigation, the charge-sheet has been submitted against the petitioner under Section 8/20(b)(ii) (C)/23(C)/29 of the N.D.P.S. Act and, thus, the petitioner does not deserve bail.

6. Considering the entire facts and circumstances of the case as also the recovery of contraband beyond commercial quantity coupled with the embargo under Section 37 of the N.D.P.S. Act, 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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