

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52960 of 2024

Arising Out of PS. Case No.-13 Year-2024 Thana- SONAMANI District- Araria

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Suraj Kumar Mukhiya Son of Ram Bilash Mukhiya @ Rambilas Mukhiya
R/O-Village Jahada Gaon Palika ,Ward No- 1 Budhanagar Basti, Naya Tola.
P. S.- Purani Distt Morang Nepal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kishore Bharti, Adv.
For the Opposite Party/s : Ms. Sharda Kumari, APP

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

ORAL ORDER

4 18-11-2024 Heard learned counsel for the petitioner and learned

APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with

Sonamani Godam P.S. Case No. 13 of 2024 instituted for the

offences under Sections 20(a), 22 and 24 of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered

362 Kg Ganja from the possession of 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 merely on the basis of suspicion. He further

submits that the alleged contraband has not been recovered



from the conscious possession of the petitioner and has no concern with the same. There is no direct or specific allegation of any overt act against the petitioner and has been made accused in this case only on the basis of suspicion. The petitioner is only a carrier (labour) and he had to get 3000 Nepali currency for taking it to the destination. There is no compliance of Section 42 and 50 of the N.D.P.S. Act. 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 09.03.2024 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, stating that the petitioner is named in the F.I.R. and the recovered Ganja is more than commercial quantity and, 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. Accordingly, the prayer for bail of the petitioner,
above named, is rejected with a direction to the court below to
expedite the trial.

(Rudra Prakash Mishra, J)

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