

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54746 of 2024

Arising Out of PS. Case No.-1602 Year-2023 Thana- Excise P.S. District- Gaya

Devanand Shrivastava Son Of Late Rajesh Srivastava Resident Of Village -
Ekarai, P.S. - Thariyawan, District - Fatehpur (Uttar Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Shekhar Tiwary, Advocate

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

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

ORAL ORDER

3 29-10-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Gaya
Excise P.S. Case No. 1602 of 2023 instituted for the offences
under Sections 8(c), 20(b)(ii)(c) of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 96 Kg of ganja like substance from the dicky of the
car, which is alleged to be driven by the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. The petitioner is in custody since 10-09-2023 and
has got no criminal antecedent. Charge-sheet has been submitted
in this case. There is no allegation of tampering of witnesses



alleged against the petitioner. Learned counsel further submits that petitioner was oblivious of the fact that contraband was laden in the vehicle. Nothing has been recovered from the conscious possession of the petitioner. There is no compliance of Sections 42 and 50 of the NDPS Act.

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*.

8. The trial court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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