

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57072 of 2024

Arising Out of PS. Case No.-308 Year-2024 Thana- NAWADA District- Nawada

Rakesh Kumar @ Rakesh Singh Son of Shashi Bhushan Sharma Resident of
Vill- Bela, Mohanandpur, P.S.- Nemdarganj, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harendra Prasad, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

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

ORAL ORDER

3 14-11-2024 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Nawada Town P.S. Case No. 308 of 2024 instituted for the
offences under Sections 8/20(b)(ii)(c)/22/29 of the NDPS Act.

3. Prosecution allegation, in short, is that 61 Kg of
Ganja has been recovered from cabin of the truck and during
course of investigation another seizure list was prepared, in
which 176 Kg ganja was recovered from the same truck.

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 25-04-2024 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. Name of the petitioner has surfaced in this case on the confessional statement of driver of the vehicle from which recovery was being made. Learned counsel further submits that there is complete violation of Section 50 of the NDPS Act. There is no compliance of Section 100 of the Cr.P.C.

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. In addition it is submitted that after the confessional statement of the petitioner, there was recovery of 176 Kg of ganja from the same vehicle, which fact finds mention at paragraph No. 72 of the case diary.

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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