

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61522 of 2024

Arising Out of PS. Case No.-233 Year-2023 Thana- JOGBANI District- Araria

Ram Pravesh Kumar Yadav Son of surya Narayan Yadav Village- kewla Ward
No. 2, PS and PO- Bhimpur, Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Adv.
For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

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

ORAL ORDER

4 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 Jogbani
P.S. Case No. 233 of 2023 (Special Case No. 75 of 2023)
instituted for the offences under Sections 8, 20(b)(ii)(B) of the
N.D.P.S. Act.

3. As per prosecution case, the police has recovered
75.2 Kg. Ganja from the car being Honda City bearing Regd.
No. WB 02T 0209.

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 nothing incriminating has been



recovered from the conscious possession of the petitioner. The petitioner is not the owner of the alleged vehicle nor the same belongs to his family members. The petitioner has no concern with the seized Ganja. There is no chemical report available to prove the seized article to be Ganja. The charge-sheet has been submitted in this case but, without F.S.L. report/chemical report. The petitioner is the driver of the alleged car but, was not aware of the contents of the material being loaded in the car. There is no compliance of Section 42 and 50 of the N.D.P.S. Act. Section 57 of the N.D.P.S. Act has also not been complied in this case as the Investigating Officer is not authorized officer for investigating the case under 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 07.09.2023 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 recovered Ganja is much more than the 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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