

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60615 of 2024

Arising Out of PS. Case No.-96 Year-2024 Thana- GANGABRIDGE District- Vaishali

Mithun Kumar Son of Jalandhar Rai R/O Vill.- Dharampur Ram Raj, P.S.-
Desari, Chandpura O.P., Dist.- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate
For the Opposite Party/s : Ms. Suman Kumari Singh, APP

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

ORAL ORDER

4 04-12-2024 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Ganga
Bridge P.S. Case No. 96 of 2024 instituted for the offence under
Sections 399, 402, 414 & 120(B) of the Indian Penal Code and
Sections 25(1-B)a, 26 & 35 of the Arms Act and Sections 8,
20(b)(ii)(c) & 29 of the NDPS Act.

3. Prosecution case in brief is that police on secret
information regarding planning for commission of loot, three
accused persons, including the petitioner were apprehended. On
search, there is recovery of one live cartridge and one
motorcycle from the possession of the petitioner. From the
possession of co-accused, namely, Sumit Kumar @ Jamura



there is recovery of 1.125 Kg of *charas*.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 10-05-2024. Petitioner bears one criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. It is submitted that there is no recovery of contraband from the possession of the petitioner. It has only been alleged that one live cartridge and motorcycle were recovered from the possession of the petitioner. Petitioner has no concern either with the recovered arms or with the contraband substance. There is no compliance of Section 42 and 50 of the NDPS Act. There is no compliance of Section 100 of the Cr.P.C.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that recovery of contraband would be considered as constructive possession and recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the N.D.P.S.

7. Considering the aforesaid facts and circumstances of the case, taking into account the contraband being above



commercial quantity, this Court is not inclined to grant bail to the petitioner. Prayer for bail is accordingly *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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