

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61474 of 2024

Arising Out of PS. Case No.-249 Year-2022 Thana- KUCHAIKOTE District- Gopalganj

Shiv Kumar Yogendra R/O of Village-Vid Farma, P.S-Sadar Hasi, Dist-Hisar,
Haryana

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Swarna Roy, Adv.

For the Opposite Party/s : Mr.Prem Kumar Jha, 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
Kuchaikotel P.S. Case No. 249 of 2022 instituted for the
offences under Sections 20(b) II(c), 23, 25 and 29 of the
N.D.P.S. Act.

3. As per prosecution case, the police has recovered
total 36.895 Kg. of Charas from the Wagon-R car bearing Regd.
No. HR08P-3238.

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.
The petitioner is the registered owner of the alleged Wagon-R



vehicle from which the alleged contraband were recovered. The petitioner is not in any way involved in the sell or purchase of the contraband. The petitioner is also not the dealer. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. He further submits that the prosecution case is primarily based on the petitioner's alleged confessional statement which has been made under duress. The petitioner has no concern with the seized contraband. There is no compliance of Section 42 and 50 of the N.D.P.S. Act. There is also 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 07.06.2022 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 quantity of the contraband recovered is much more than the commercial quantity and, hence, there is bar under Section 37 of the N.D.P.S. Act. The petitioner was driving the alleged vehicle and was caught on the spot. He further submits that in the F.S.L. report, the seized contraband has been proved to be Charas and, hence, the petitioner does not deserve



bail.

6. Considering the aforesaid facts and circumstances of the case and the recovery of contraband beyond commercial quantity coupled with the 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)

rishi/-

U		T	
---	--	---	--

