

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61167 of 2024**

Arising Out of PS. Case No.-14 Year-2023 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Aurangabad

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Bhishma Narayan Tiwary @ Guddu Tiwary S/o Ram Bihari Tiwary Resident
of New Dillia, Ward No. 12, Near J.J. College, Police Station- Town Thana
Dehri, District- Rohtas

... .. Petitioner/s

Versus

Narcotics Control Bureau, Patna Zonal Unit, CGO Complex, 4th Floor D and
E Block, Karpuri Thakur CGO Complex 4th Floor D and E Block Karpuri
Thakur Sadan Rajiv Nagar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Ranvijay Narain Singh, Advocate
For the Opposite Party/s :	Mr. Arvind Kumar, CGC
	Mr. Awdhesh Kumar Pandey, Sr. CGC
	Mr. Abhisekh Kumar, Advocate

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

ORAL ORDER

2 23-08-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in NCB Case No. 14 of
2023 instituted for the offences under Sections 8(c),20(b)(ii)(c),
25 & 29 of the NDPS Act.

3. The earlier bail application of the petitioner was
rejected *vide* order dated 08-05-2024, passed in Cr. Misc. No.
5709 of 2024 to the present application taking into account that
recovery of contraband beyond commercial quantity coupled
with embargo under Section 37 of the NDPS Act.

4. Prosecution case, in brief, is that there is recovery
of 554 Kgs of *ganja* from truck bearing Reg. No. JH09AD9827.

5. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the petitioner further submits that there is no allegation of tampering of witnesses alleged against the petitioner. It is further submitted that nothing incriminating has been recovered from the conscious possession of the petitioner. Merely on the statement of the driver of the truck, petitioner has been dragged in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the NDPS Act. It is next submitted that petitioner is a party to the criminal conspiracy.

7. Considering the aforesaid facts and circumstances of the case, this Court is not inclined to take a different view. Accordingly, prayer is *rejected*.

8. 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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