

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63938 of 2024

Arising Out of PS. Case No.-141 Year-2024 Thana- SONBERSA District- Sitamarhi

Ramashankar Kumar @ Ramshankar Kumar son of Gajendra Paswan
Resident of Village -Sagrampur Tole Musharniya Ward No. 2 P.S -Sonbarsa
District -Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate
Mr. Karu Kumar, Advocate
For the Opposite Party/s : Mr. Arun Kumar 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
Sonbarsa P.S. Case No. 141 of 2024 instituted for the offences
under Sections 8, 20(b)(ii)(c) of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 90 Kg ganja like substance from TATA Sumo
vehicle.

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 03-05-2024 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. Learned counsel further submits that petitioner is said to be driver of the vehicle in question and he was oblivious of the fact that contraband was loaded in the vehicle. It is next submitted that there is no compliance of Sections 42 & 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. It is lastly submitted that from perusal of the FSL report, it would be crystal clear that the seized contraband was found to be '*Ganja*'.

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.

9. The District Magistrate, Sitamarhi and the Superintendent of Police, Sitamarhi are also directed to take necessary steps to produce the witnesses on the date fixed in the Trial Court so that the trial could be concluded expeditiously.

10. Let this order be communicated to the District Magistrate, Sitamarhi and the Superintendent of Police, Sitamarhi.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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