

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71742 of 2023

Arising Out of PS. Case No.-9 Year-2023 Thana- MUFFASIL District- West Champaran

SARWAJIT CHAUDHARY @ SATRAJIT CHAUDHARY @ AJAY
CHAUDHARY Son of Brahamdeo Chaudhary Resident of Village-Paras
Nagar Chautarwa, Police Station-Chautarwa, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anand Kishore Choudhary, Advocate
For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

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

ORAL ORDER

6 07-05-2024 Heard learned counsel for the petitioner, learned APP
for the State and perused the case diary.

2. The petitioner seeks bail in connection with Bettiah
Mufassil P.S. case No. 09 of 2023 instituted for the offences
under Sections 414 of the Indian Penal Code and 8/20(b) II(c)
23(c) of the N.D.P.S. Act.

3. Prosecution case, in short, is that 2 Kg. *charas* has
been recovered in this case.

4. Learned counsel for the petitioner submitted that the
petitioner is innocent and has falsely been implicated in the
present case. Petitioner is in custody since 05.02.2023 and has
eighteen criminal antecedents. There is no allegation of
tampering of witnesses alleged against the petitioner. No



incriminating material has been recovered from the conscious possession of the petitioner. There is no compliance of Section 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP submits that the recovered contraband is above the commercial quantity, 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 being beyond the 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. Learned trial Court is directed to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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