

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69631 of 2024

Arising Out of PS. Case No.-229 Year-2024 Thana- PIRO District- Bhojpur

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Dhiraj Kumar Son of Ranjit Singh Resident of Village - Pachrukhiya, P.S. -
Hasan Bazar, District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.
For the State : Mr. Chaubey Jawahar, APP

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

ORAL ORDER

3 05-12-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Piro
Hasan Bazar P.S. Case No. 229 of 2024 arising out of N.D.P.S.
Case No. 21 of 2024 instituted for the offences under Sections
20(b) ii (c) 29 of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered
total 40 Kilogram 380 gram Ganja like substance from the bus.

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 not named in the F.I.R. and the name of the
petitioner has come on the basis of the confessional statement of



the co-accused persons. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner rather the alleged contraband was recovered from the Singh travel bus and four persons were arrested at the spot. Petitioner was not arrested on the spot. 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 09.06.2024 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 huge quantity of Ganja has been recovered. The F.S.L. report also confirms the seized contraband to be Ganja. The arrested accused persons have also stated about the petitioner being working as a liner. 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.

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 as also the petitioner being a member of the criminal conspiracy, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner is rejected.

(Rudra Prakash Mishra, J)

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