

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75984 of 2024

Arising Out of PS. Case No.-3 Year-2024 Thana- BHANGHA District- West Champaran

Arjun Bhagat @ Arjun Kumar S/O Shatrudhan Bhagat @ Satrughan Bhagat
@ Satrudhan Bhagat R/O Vill - Bhangaha, P.S. - Bhangaha, Distt. - West
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarvesh Kashyap, Adv.

For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

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

ORAL ORDER

2 22-11-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Bhangaha P.S. Case No. 03 of 2024 instituted for the offences
under Sections 20(b)(ii)(c), 22(c), 23(c) and 24 of the N.D.P.S.
Act.

3. As per prosecution case, the police has recovered
total 30 Kg. *Ganja* from the while colour *Xylo* vehicle bearing
Regd. No. BR-22P-1536.

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 has no concern with the seized contraband. The



petitioner is also not the owner of the alleged vehicle and has falsely been implicated in the present case. The owner of the alleged vehicle is Mukesh Kumar and the petitioner is only the driver of the vehicle. The petitioner had no knowledge of the contraband being kept in the alleged vehicle and, as a driver, was just following the instruction of the owner. I.O. has submitted the charge-sheet without waiting for the F.S.L. report. There is no F.S.L. report in the record to ascertain the alleged recovered article is Ganja or something else. There is no compliance of Section 42 and 50 of the N.D.P.S. Act. The petitioner has no criminal antecedent and is languishing in judicial custody since 13.02.2024 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 submitting that the recovered contraband is above the commercial quantity and, hence, there is bar under Section 37 of the N.D.P.S. Act. The petitioner is named in the F.I.R. and, hence, he does not deserve bail.

6. Learned counsel for the State again submits that the prayer for bail of the co-accused namely Ashok Yadav has already been rejected by this Court vide order dated 09.05.2024 passed in Cr. Misc. No. 35497 of 2024.



7. 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.

8. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

rishi/-

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

