

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77273 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- Roshna District- Katihar

Manish Kumar Son of Late Rampravesh Rai @ Late Ram Parvash Ray
Resident of Kala Diyara, P.S - Salimpur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Princy Raj, Adv.

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

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

ORAL ORDER

2 26-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
N.D.P.S. Case No. 21 of 2024 arising out of Roshna P.S. Case
No. 11 of 2024 instituted for the offences under Sections 20/22
of the N.D.P.S. Act.

3. As per prosecution case, the petitioner has been
apprehended by the Informant while he along with other co-
accused persons was carrying 44.400 Kg. Ganja with XUV Car
for its transporting.

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 the owner of the alleged XUV 500 Car bearing Regd. No. WB20AG/2734. He further submits that as a matter of fact, no any alleged contraband has been recovered from the conscious possession of the petitioner rather the same was planted in the name of the petitioner by the police for some extraneous reasons. The petitioner is the driver of the alleged XUV 500 Car. The petitioner has no concern with the alleged recovered contraband of the alleged vehicle. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. There is also 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 09.04.2024 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. The quantity of Ganja recovered is more than the commercial quantity. Hence, bar of Section 37 of the N.D.P.S. Act is applicable in the present case.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the quantity of the recovered Ganja which is much more than the commercial quantity, 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.

(Rudra Prakash Mishra, J)

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