

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79846 of 2024

Arising Out of PS. Case No.-57 Year-2023 Thana- KANGLI District- West Champaran

Ajay Sonar S/O Sugrim Sonar R/O Village- Banjariya, P.S- Banjariya, Distt.-
East Champaran, Presently Residing at Village- Dhore, P.S- Pokhariya, Distt.-
Parsa, Nepal.

... .. 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.Anil Kumar, APP

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

ORAL ORDER

2 19-11-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Kangali
P.S. Case No. 57 of 2023 instituted for the offences under
Sections 8, 20(b)(ii)(c) of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered 32
Kg of Ganja kept in four packets of red polythene from the
possession of the petitioner.

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.
He further submits that nothing incriminating has been
recovered from the conscious possession of the petitioner as



alleged in the F.I.R. He further submits that actually the petitioner is working in Nepal and came to India to visit his relatives and, in the process, got arrested by the S.S.B. personnel. The petitioner has no concern with the seized contraband (Ganja) and has been falsely implicated in the present case on the basis of suspicion whereas the main miscreants fled away taking advantage of the dark. The seizure list was prepared in the morning at 04.30 O'clock which creates doubt in the prosecution case. 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 15.09.2023 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 alleged seized contraband has also been confirmed in the F.S.L. report. 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, this Court is not inclined to grant bail to the petitioner.

7. 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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