

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80621 of 2024

Arising Out of PS. Case No.-128 Year-2024 Thana- SONBERSA District- Sitamarhi

Radhe Rai Son of Late Mahesh Rai Resident of ward no. 12, Village
-Ramnagra Rasalpur, P.S. -Sonbarsa, District- Sitamarhi, Bihar-843330

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Noushad Khan, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

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

ORAL ORDER

3 02-12-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Sonbarsa P.S. Case No. 128 of 2024 instituted for the offences
under Section 414 of the Indian Penal Code, Sections 25(1-b)a,
26 & 35 of the Arms Act and Sections 8, 20(b)(ii)(c), 22(c) &
23(c) of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of one country made pistol along with a live cartridge,
1.900 Kg *Charas* and Two lakhs rupees were recovered during
patrolling from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. The petitioner is in custody since 16-04-2024 and



has got two criminal antecedents. There is no allegation of tampering of witnesses alleged against the petitioner. Learned counsel further submits recovery is planted. Petitioner has no concern either with arms or with contraband substance. There is no compliance of Sections 42 and 50 of the NDPS Act. There is no compliance of Section 100 of the Cr.P.C.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. 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. The prayer is *rejected*.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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