

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79575 of 2024

Arising Out of PS. Case No.-13 Year-2024 Thana- BODHGAYA District- Gaya

Ajay Paswan @ Chhotu Son of Late Munesar Paswan Resident of Village -
Amshot, P.S.- Mohanpur, District - Gaya (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

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

ORAL ORDER

3 20-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Bodh
Gaya P.S. Case No. 13 of 2024 instituted for the offences under
Sections 8, 21(c), 25, 29 of the N.D.P.S. Act.

3. Prosecution case, in short, is that 532.8 grams of
Heroin has been recovered in this case.

4. Learned counsel for the petitioner submitted that the
petitioner is innocent and has falsely been implicated in the
present case. Petitioner is in custody since 21.06.2024 and has
no criminal antecedent. There is no allegation of tampering of
witnesses alleged against the petitioner. No incriminating
material has been recovered from the conscious possession of



the petitioner. There is no compliance of Section 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP submits that the 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, the petitioner being involved in the criminal conspiracy as also the recovery of contraband being 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.

(Rudra Prakash Mishra, J)

Alok Verma/-

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

