

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84534 of 2024

Arising Out of PS. Case No.-229 Year-2024 Thana- PIRO District- Bhojpur

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Moti Rawani @ Moti Khani S/o Late Hari Shankar Ram R/o vill - Belaur, P.S.
- Udwant Nagar, Distt.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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

ORAL ORDER

2 16-12-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in connection with Piro
(Hasan Bazar) P.S. Case No. 229 of 2024, instituted for the
offences punishable under Sections 20(B)(ii)(c) and 29 NDPS
Act.

3. The prosecution case, in short, is that, there is
recovery of 40.38 Kg *ganja* from the possession of the
petitioner along with other co-accused persons.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. Learned counsel for



the petitioner also submits that the petitioner has got no concern with the alleged recovery of *ganja*. The petitioner is in custody since 09.06.2024 and has got no criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is also submitted that recovered contraband is above the commercial quantity, and the petitioner being party to the criminal conspiracy, as also there being bar under Section 37 of the N.D.P.S. Act. It is further submitted that the FSL report corroborates with the prosecution case. Hence, the petitioner does not deserve the privilege of bail.

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. The trial Court is directed to expedite the Trial expeditiously.

(Rudra Prakash Mishra, J)

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