

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84319 of 2024

Arising Out of PS. Case No.-33 Year-2024 Thana- Basmatia District- Araria

Rupesh Kumar Yadav Son of Karilal Yadav Village -Maheshpatti, Ward No. 10, Police Station- Ghurna, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 06-12-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in connection with Basmatia P.S. Case No. 33 of 2024, instituted for the offences punishable under Sections 8(c), 21(c), 22 and 23 of the NDPS Act.

3. The prosecution case, in short, is that, the police has recovered 516 gram brown sugar from the Auto bearing Regd. No. *BR 38P 5751* which is being driven by this petitioner.

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 been named as an accused in the FIR, but he had no role to play in the



commission of the offence. The alleged recovery of brown sugar has been made from the possession of co-accused Sulekha Devi who was a passenger in the tempo. The petitioner is driver of the said tempo. The petitioner is in custody since 30.08.2024 and has got no criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner stating that the quantity of the recovered brown sugar is more than commercial quantity and, thus, there is bar under Section 37 of the NDPS Act. It is further submitted that regular bail of similarly situated co-accused has been rejected by this Court vide order dated 12.11.2024 passed in Cr. Misc. No. 79273 of 2024.

6. Considering the aforesaid facts and circumstances of the case and recovery of contraband which is beyond the commercial quantity coupled with the embargo under Section 37 of the NDPS 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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