

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84308 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- Roshna District- Katihar

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Anuj Kumar Son of Upendra Tanti @ Upen Tanti Resident of Village- Naya Tola, Gobindpur, P.S- Amdabad, Distt.-Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

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

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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 NDPS Case No. 21 of 2024 arising out of Roshna P.S. Case No. 11 of 2024 instituted for the offences under Sections 20/22 of the N.D.P.S. Act.

3. Prosecution case, in short, is that total 44.4 Kg. *ganja* 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 09.04.2024 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 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.

(Rudra Prakash Mishra, J)

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