

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85041 of 2024

Arising Out of PS. Case No.-74 Year-2024 Thana- NARPATGANJ District- Araria

Pramod Kumar Yadav Son of Upendra Yadav Resident of Village- Jimrahi,
Ward No. 3, P.S.- Narpatganj (Bathnaha), Distt.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. P.N. Shahi, Sr. Adv.
Mr. Rabindra Kumar Priyadarshi, Adv.
Mr. Dheeraj Kumar, Adv.
For the Opposite Party/s : Mr.Umesh Lal Verma, APP

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

ORAL ORDER

2 18-12-2024 Heard learned counsel for the petitioner and learned

APP for the State.

2. The petitioner seeks bail in connection with

Narpatganj (Bathnaha OP) P.S. Case No. 74 of 2024

instituted for the offences under Sections 8/20(b)(ii)(c) of the

N.D.P.S. Act.

3. As per prosecution case, the police have

recovered 51 Kg. Ganja from sack. The petitioner is alleged to

be arrested on the spot.

4. Learned counsel for the petitioner submits that

the petitioner is innocent and has committed no offence as



alleged against him and has falsely been implicated in the present case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner and has been made accused in this case on the basis of suspicion. The petitioner has nothing to do either with the persons who were carrying the alleged contraband or with the contraband which was thrown by them and recovered by the SSB personnel. There is no compliance of Section 42 and 50 of the N.D.P.S. Act. The petitioner has one criminal antecedent and is languishing in judicial custody since 08.02.2024 without any rhymes or reason.

5. On the other hand, 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 with a direction to the learned court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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