

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7124 of 2024

Arising Out of PS. Case No.-93 Year-2023 Thana- SIKTA District- West Champaran

Dhurendra Prasad @ Dhurandhar Pd. Son Of Ramchandra Sah Resident Of
Village - Sabaithwa, Police Station - Pokhariya, District - Parsa (NEPAL)

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Advocate

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

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

ORAL ORDER

4 08-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Sikta P.S. case No. 93
of 2023 instituted for the offences under Sections 8, 20(b)(ii)
(c), 23(c) of the N.D.P.S. Act.

3. Prosecution allegation, in short, is that the 2.480 kg
charas contained in 5 packets was recovered.

4. learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. The petitioner is in custody since 22.08.2023 and
has got no criminal antecedent. Charge-sheet has been
submitted in this case. There is no allegation of tampering of
witnesses alleged against the petitioner. Learned counsel



further submits that there is no compliance of Section 42 and 50 of 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 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. Hence, the petitioner does not deserve 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.

(Rudra Prakash Mishra, J)

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