

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5511 of 2025

Arising Out of PS. Case No.-303 Year-2024 Thana- RAXAUL District- East Champaran

Sheikh Afzal @ Shekh Abjal Son of Asheikh Bhikhari R/O-Village-
Rangputri, P.S.- Pathraiya, District- Parsa (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

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

ORAL ORDER

3 08-04-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Raxaul
PS Case No. 303 of 2024 instituted for the offences under
Sections 20(B)(ii)(c), 23(c), 25 & 29 of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 32.520 Kg charas from the motorcycle bearing
registration No. BR05AP-7604.

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 28-08-2024 and
has got no criminal antecedent. Learned counsel further submits
that nothing incriminating has been recovered from the



possession of the petitioner. In fact, recovery of alleged charas was made from the motorcycle, which does not belong to the petitioner. Petitioner was merely passerby and has become the victim of the circumstances. There is no compliance of Sections 42 & 50 of the NDPS 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.

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*.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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