

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2552 of 2025

Arising Out of PS. Case No.-122 Year-2024 Thana- KHUTAUNA District- Madhubani

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Guddu Kumar Roy @ Guddu Kumar Ray Son of Rajeev Roy @ Rajeev Rai
@ Rajeev Kumar Ray @ Rajib Kumar Ray R/O-Village- Bhaptiyahi, P.S.-
Narahiya, (Laukahi), District -Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr. Madan Kumar, APP

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

ORAL ORDER

2 27-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Khutauna P.S. Case No. 122 of 2024, instituted for the offences
punishable under Sections 8, 20(b)(ii)(c) of the NDPS Act.

3. The prosecution case, in short, is that, there is
recovery 102.150 Kgs of *ganja* from the car of this petitioner
along with other co-accused person.

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 is neither driver



nor owner of the car in question. The petitioner has got no concern with the alleged recovery of *ganja*. The petitioner is in custody since 03.09.2024 and has got no criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. 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 the 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)

Rajorshi/-

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