

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11839 of 2025

Arising Out of PS. Case No.-940 Year-2024 Thana- BIHTA District- Patna

Rahul Kumar Son of Lal Bahadur Ray Village - Road no 23, rajiv nagar,
Dinapur -cum khagaul PS -Rajiv nagar district- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

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

ORAL ORDER

3 30-04-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Bihta
PS Case No. 940 of 2024 instituted for the offences under
Sections 8(c), 22(c) & 21(c) of the NPDS Act and Section 3(5)
of the Bharatiya Nyaya Sanhita, 2023.

3. Prosecution allegation, in short, is that there is
recovery of 252 grams of smack kept in a bag from possession
of the co-accused, including the petitioner.

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 07-10-2024 and
has got no criminal antecedent. There is no allegation of



tampering of witnesses alleged against the petitioner. Learned counsel further submits that petitioner has no concern with the contraband. Learned counsel for the petitioner goes on to submit that the petitioner was riding the motorcycle in question, and the contraband was allegedly recovered from the pillion rider, namely, Manish Kumar. There is no compliance of Sections 42 & 50 of the NDPS Act. It is lastly submitted that co-accused, who is the registered owner of the motorcycle, has been enlarged on anticipatory bail by a Co-ordinate Bench of this Court, vide order dated 20-02-2025, passed in Cr. Misc. No. 3287 of 2025.

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. Accordingly, prayer for grant of bail 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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