

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14750 of 2025

Arising Out of PS. Case No.-94 Year-2024 Thana- TURKAULIYA District- East Champaran

Brijbihari Kumar Son of Shiv Narayan Sahani @ Shivnarayan Chaudhary
Resident of village - Bairiyadih, P.S.- Harsidhi, District- East champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Adv.

For the Opposite Party/s : Mr.Ahmad Ali, APP

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

ORAL ORDER

2 27-03-2025 Heard learned counsel for the petitioner
and learned APP for the State.

2. The petitioner seeks bail in connection with N.D.P.S. G.R. Case No. 08 of 2024 arising out of Turkauliya P.S. Case No. 94 of 2024 instituted for the offences under Sections 413 and 414 of the I.P.C. and Section 8, 20(B)(ii)(C) of the N.D.P.S. Act.

3. Prosecution case, in short, is that the police has recovered 01 Kilo 30 grams of *Charas* from the pick-up vehicle bearing Regd. No. BR06GA3032.

4. Learned counsel for the petitioner submitted that the petitioner is innocent and has



falsely been implicated in the present case due to highhandedness of the police. Petitioner is in custody since 08.02.2024 and has one criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner is not the owner of the alleged vehicle and has also no concern with the seized contraband. There is no compliance of Section 42 and 50 of the N.D.P.S. Act. There is also non-compliance of Section 103 of the B.N.S.S. The charge-sheet has been submitted without getting the report of F.S.L.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP submits that the recovered contraband is above the commercial quantity and, 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, the prayer is rejected with a direction to the learned court below to conclude the trial expeditiously.

(Rudra Prakash Mishra, J)

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