

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14571 of 2025

Arising Out of PS. Case No.-9 Year-2025 Thana- FULKAHA District- Araria

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Gaurav Kumar @ Gaurav Kumar Yadav Son Of Satya Narayan Yadav Vill
-Posdaha Ward No 08 Ps -Narpatganj Distt -Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kishore Bharti, Adv.

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

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

ORAL ORDER

2 18-03-2025 Heard learned counsel for the petitioner and learned

APP for the State.

2. The petitioner seeks bail in connection with

Fulkaha P.S. case No. 09 of 2025 instituted for the offences

under Sections 8/20(b) (ii) C of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered

total 103 Kg. of Ganja from the Swift car bearing Regd. No.

BR-11-BC-7861. It is alleged that the petitioner was arrested

on the spot.

4. Learned counsel for the petitioner submitted that

the petitioner is innocent and has falsely been implicated in

the present case that too merely on the basis of suspicion. He



further submits that nothing incriminating has been recovered from the conscious possession of the petitioner or from his house. The petitioner has no concern with the seized contraband and has never indulged in illegal business of contraband. The petitioner is neither owner of the seized vehicle nor was driving the alleged car. He further submits that from perusal of the F.I.R., it appears that the seized Ganja belongs to one Pintu Paswan and Anmol Yadav. Petitioner is in custody since 13.01.2025 and has one criminal antecedent. Learned counsel for the petitioner further submits that there is no F.S.L. report in this case confirming the alleged seized contraband to be Ganja and, thus, creates doubt in the prosecution case. There is no allegation of tampering of witnesses alleged against the petitioner. There is no compliance of Section 42 and 50 of the 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 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 for bail of the petitioner is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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