

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18223 of 2025

Arising Out of PS. Case No.-619 Year-2024 Thana- Excise P.S. District- Nawada

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Brajesh Kumar @ Brijesh Kumar S/o- Parma Sahni Village- Khothwan
W.No-12, Ps- Dhanha Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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**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 Nawada
Excise P.S. Case No. 619 of 2024, instituted for the offences
punishable under Sections 8, 20(b)(ii) and 20(c) of the NDPS
Act.

3. Prosecution allegation, in short, is that there is
recovery of 198.775 Kg *Ganja* from a pick-up truck.

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 further submits that the petitioner has got no



concern with the alleged recovery of *Ganja*. The petitioner is driver of the pick-up truck and he had no knowledge regarding the goods kept in the vehicle. The petitioner is not owner of the vehicle in question. The petitioner is in custody since 09.09.2024 and has got no criminal antecedent. There is no compliance of Sections 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 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 at this stage.

(Rudra Prakash Mishra, J)

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