

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15399 of 2025

Arising Out of PS. Case No.-362 Year-2024 Thana- DURGAWATI District- Kaimur (Bhabua)

Chhotelal Ram Son of Ram Shringar Ram Resident of Sakin, Mokri, P.S-
Bhabhua, District- Kaimur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. P.N. Shahi, Sr. Adv.
Mr. Deep Shekhar, Adv.
Mr. Amit Anand, Adv.
For the Opposite Party/s : Mr.Nand Kumar, APP

**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

Durgawati P.S. case No. 362 of 2024 instituted for the

offences under Sections 8(c), 21(b) (ii)(c), 27(A), 29 of the

N.D.P.S. Act.

3. As per prosecution case, the police has recovered

total 307.43 Kg. of Ganja from the house of the co-accused

Shyamlal Bind.

4. Learned counsel for the petitioner submitted that

the petitioner is innocent and has falsely been implicated in



the present case. The petitioner is not named in the F.I.R. and his name has surfaced in this case on the basis of the confessional statement of the apprehended co-accused Shyamlal Bind from whose house the alleged contraband was recovered. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner or from his house. Petitioner is in custody since 27.11.2024 and has no criminal antecedent. 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 as also the petitioner being a member of



the criminal conspiracy, 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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