

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16312 of 2025

Arising Out of PS. Case No.-5 Year-2025 Thana- BHANGHA District- West Champaran

Prabhu Patel S/o- Brahmdeo Patel Village- Parsawa W.No-4, Po- Pokhariya
Ps- Sherwa Dist- Parsa, Nepal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai, Adv.

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

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

ORAL ORDER

4 25-06-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Bhangaha P.S. case No. 05 of 2025 instituted for the offences
under Sections 20(b) (ii), (c), 23(c) and 29 of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered
total 28.5 Kg. of Ganja out of which, 16 Kg. of Ganja was
recovered from the possession of the petitioner.

4. Learned counsel for the petitioner submitted that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet has been submitted in this case.
Petitioner is in custody since 15.01.2025 and has no 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. 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.

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, hence, there is bar under Section 37 of the N.D.P.S. Act.

6. Considering the aforesaid facts and circumstances of the case, 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 party to the criminal conspiracy, this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected with a direction to the learned court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

