

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19105 of 2025

Arising Out of PS. Case No.-55 Year-2019 Thana- PHULWARIA District- Begusarai

Sarwan Kumar @ Sharwan Kumar @ Sharvan Kumar @ Shravan Kumar son
of Late Bino Yadav village- Sitarampur, Ps- Matihani, Dist- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through the Director NCB bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandeep Kumar, Advocate
For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

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

ORAL ORDER

3 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
Phulwaria PS Case No. 55 of 2019 instituted for the offences
under Sections 8, 20(b)(ii) & 22 of the NDPS Act.

3. Prosecution allegation, in short, is that the Police of
Phulwaria PS, while checking vehicles, found an abandoned
white Alto (BR-9F3006) parked behind a house. Upon
inspection, they recovered 27 packets ganja weighing 55 kg
from the back seat in presence of Magistrate and home guards.
Documents belonging to Shiv Shankar Singh, Rai Devi, and
Srawan Kumar (petitioner) were found in the car and a seizure



list was prepared.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The petitioner is in custody since 09-09-2024 and has got one criminal antecedent. Charge-sheet has been submitted in this case only against the petitioner. Nothing has been recovered from the conscious possession of the petitioner. Petitioner was not even arrested on the spot. There is no compliance of Section 42 and 50 of the NDPS 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. Other witnesses have also supported the prosecution case.

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*.

8. The Trial Court is directed to expedite the trial as



expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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