

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19284 of 2025

Arising Out of PS. Case No.-649 Year-2022 Thana- ARARIA District- Araria

Rahul Kumar son of Upendra Rai Village and PS- Rustampur, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

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

ORAL ORDER

2 08-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Spl.
NDPS Case No. 22 of 2022 arising out of Araria (Bairgachhi)
P.S. Case No. 649 of 2022 instituted for the offences under
Sections 20(b)(ii)/c/25/29 of the NDPS Act.

3. Prosecution allegation, in short, is that total 35.170
Kilogram of ganja has been recovered from car.

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 25.01.2024 and
has got one criminal antecedent. There is no allegation of
tampering of witnesses alleged against the petitioner. Learned
counsel further submits that the recovery has been made from



the car and not from the conscious possession of the petitioner. Learned counsel further submits that petitioner has no concern with the vehicle and the same was being driven by Vicky Kumar and the owner of the said vehicle is Ram Nath @ Ram Nath Rai. Learned counsel further submits that there is no name of the petitioner in the seizure list. There is no compliance of Sections 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.

6. Considering the aforesaid facts and circumstances of the case, petitioner being a party to criminal conspiracy 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.

(Rudra Prakash Mishra, J)

Alok Verma/-

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