

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24699 of 2025

Arising Out of PS. Case No.-644 Year-2024 Thana- DEHRI TOWN District- Rohtas

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Anil Kumar Bager S/O Basanti Bager Resident of village- Ram Nagar,
Machharohatta, Bhati, P.S.- Ramnagar, District- Varanasi (U.P)

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey, Advocate

For the Opposite Party/s : Mr.Anil Kumar Singh No.1, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 24-07-2025 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. Petitioner seeks bail in connection with Dehri

Town P.S. Case No. 644 of 2024 registered for the offences

under Sections 8, 20(B)(ii)(c)/25/29 of the Narcotic Drugs

and Psychotropic Substances Act (in short the 'N.D.P.S. Act').

3. The petitioner is named in the First Information

Report and is in custody since 24.09.2024.

4. Allegation against the petitioner is to carry 75.5

Kg. contraband i.e. Ganja along with other accused persons in

a private care bearing Registration No. UP53Z-4896.

5. It is submitted by learned counsel appearing on

behalf of the petitioner that petitioner was the driver and he



was not aware about the carrying consignment of contraband, and, therefore, recovery cannot be said to be made from conscious physical possession of this petitioner. It is submitted that other mandatory provisions under NDPS law were not complied with regarding sealing, sampling and seizure of the contraband.

6. While concluding argument, it is submitted that investigation of this case is already completed and as such, there is no chance of tampering with the evidence. Petitioner is a man of clean antecedent.

7. Learned A.P.P. for the State, while opposing the prayer for bail of the petitioner, submitted that the vehicle in issue was the private car. It is submitted that it is a recovery of huge quantity of Ganja, i.e. much beyond the prescribed commercial quantity i.e. 20 Kgs. It is further submitted that in view of same the rigorous provision of section 37 of the NDPS Act appears applicable in the present case and, therefore, the petitioner is not entitled for bail.

8. In view of aforesaid facts and circumstances and by taking note of the fact as recovery of contraband i.e. ganja



is of huge quantity i.e. 75.5 Kg. that too from private vehicle, as discussed aforesaid, suggesting *prima facie* that petitioner had culpable mental state, accordingly, prayer of bail of the petitioner is hereby rejected herewith.

9. As petitioner is in custody since 24.09.2024, learned trial court is directed to conclude the trial in accordance with law expeditiously preferably within a period of one year.

(Chandra Shekhar Jha, J)

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