

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26015 of 2025

Arising Out of PS. Case No.-21 Year-2024 Thana- D.R.I District- Patna

Abhishek Kumar Son of Jagdish Mandal @ Jagdiesh Mandal Resident of
Village - Madhuban, P.O.- Khesar, P.S.- Belhar, District - Banka.

... .. Petitioner/s

Versus

The Union of India (Through the Directorate of Revenue Intelligence,
Regional Unit, Patna, Bihar). Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandan Kumar Verma, Adv.

For the Opposite Party/s : Mr. Ankit Katriar, Sr.S.C.
Mr. Abhishek Kumar, Jr. S.C.

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

ORAL ORDER

2 05-05-2025 Heard learned counsel for the petitioner and learned

counsel for the Union of India (through the Directorate of

Revenue Intelligence).

2. The petitioner seeks bail in connection with

N.D.P.S. Special Case No. 81 of 2024 arising out of F. No.

DRI/LZU/PRU/718(ii)/ENQ-21/2024 in respect of DRI Patna

Unit Case No. 09 of 2024-25 instituted for the offences under

Sections 8(c)/20(b)(ii)(c)/25 and 29 of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered

105 packets containing 211.90 Kgs. of Ganja from a Truck

bearing Regd. No. JH-02T-7035 which was found to be



occupied by the petitioner.

4. Learned counsel for the petitioner submitted that the petitioner is innocent and has falsely been implicated in the present case. The petitioner is a truck driver. The petitioner is not the owner of the alleged truck rather the same belongs to one Visun Yadav. The petitioner, being a driver, was not aware of the narcotic substance being kept on the truck, in question. Petitioner is in custody since 14.06.2024 and has no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. Nothing 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 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. Accordingly, the prayer 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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