

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28687 of 2025

Arising Out of PS. Case No.-1602 Year-2023 Thana- Excise P.S. District- Gaya

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Jitu Kumar @ Jeetu Kumar son of Gyan Singh Village- Bhikkhampur PS
-Sultanpur Ghosh, Distt- Fatehpur, Uttar pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pintu Kumar Patel, Adv.

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

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

ORAL ORDER

2 01-05-2025 Heard learned counsel for the petitioner
and learned APP for the State.

2. The petitioner seeks bail in connection
with Gaya Excise P.S. Case No. 1602 of 2023
instituted for the offences under Sections 8(c),
20(b)(ii)(c) of the NDPS Act.

3. Prosecution allegation, in short, is that
there is recovery of 96 Kg of ganja like substance
from the dicky of the car, which is alleged to be
driven by the co-accused Devanand Shrivastava.

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 10-09-2023 and has got no criminal antecedent. Charge-sheet has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. Learned counsel further submits that petitioner was oblivious of the fact that contraband was laden in the vehicle. Nothing has been recovered from the conscious possession of the petitioner. 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. Learned counsel for the State further submits that the prayer for bail of the co-accused namely Devanand Shrivastava has already been rejected by this Court vide order dated 29.10.2024 passed in Cr. Misc. No. 54746 of 2024.

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)

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