

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34721 of 2025

Arising Out of PS. Case No.-345 Year-2024 Thana- BIRPUR District- Supaul

Ram Chandra Mehta S/o Dev Narayan Mehta, Resident of Village- Shripur
Jabdi Ward No. 4, P.S.- Bhantabari, District- Sunsari Nepal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amarnath Singh, Advocate
		Mr. Kamal Kishore Singh, Advocate
For the State	:	Mr. Akshay Lal Pandit, APP
Amicus Curiae	:	Mr. Anil Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 20-08-2025

The present Criminal Miscellaneous petition has been preferred by the petitioner under Sections 483 and 484 of the B.N.S.S., 2023 for regular bail in connection with Birpur P.S. Case No. 345 of 2024 dated-17.10.2024 registered for the offences punishable under Sections 22(c), 21(b) and 29 of the N.D.P.S. Act against the petitioner and co-accused/Arun Kumar Yadav. The case is pending in the Court of learned Principal Sessions Judge-cum-Special Judge, N.D.P.S., Supaul.

2. The prosecution case as emerging from the written report of the police officer is that, after information, raiding party reached near Ram Janki Mandir at Benali Patti Village and intercepted one motorcycle and apprehended the petitioner and co-accused/Arun Kumar Yadav who were riding the motorcycle.



Complying with the procedure of search and seizure as prescribed, 300 Nitrazepam Tablets IP 10 mg., 400 Tramadol Hydrochloride Capsules and 40 bottles of Codeine Phosphate & Triprolidine Hydrochloride Syrup(Eskuf) were recovered from plastic bag being carried by them. The recovered contraband was also sealed.

3. Heard learned counsel for the petitioner and learned APP for the State.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner has no criminal antecedent and he has been in custody since 17.10.2024. He further submits that contraband has not been recovered from the conscious possession of the petitioner. He also submits that petitioner is not the owner of the motorcycle allegedly involved in the offence. The rules and procedure has been also not followed in regard to search and seizure as provided under the NDPS Act. He further submits that the quantity of the contraband is lesser than the commercial quantity though higher than small quantity, if it is calculated without adding the quantity of the neutral substance.

5. However, learned APP for the State vehemently



opposes the prayer of the petitioner for regular bail submitting that the nature of the allegation against the petitioner is serious in nature because he has been found to be in possession of contraband of commercial quantity in view of **Hira Singh and Anr. Vs. Union of India and Anr.**, as reported in **(2020) 20 SCC 272** and hence, rigours of Section 37 of NDPS Act come into play and accordingly, the petitioner is not entitled to get any privilege of bail because there is sufficient material on record to show that the petitioner is guilty of the alleged offence under the NDPS Act.

6. Considering the aforesaid facts and circumstances, particularly the commercial quantity of the recovered contraband in view of **Hira Singh Case** (supra) and rigours of Section 37 of the NDPS Act, I am not persuaded to enlarge the petitioner on bail at this stage.

7. The petition is dismissed, accordingly.

8. Learned Trial Court is requested to expedite the trial as far as possible.

(Jitendra Kumar, J.)

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