

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36348 of 2025

Arising Out of PS. Case No.-363 Year-2024 Thana- KISHANGANJ District- Kishanganj

Mukesh Kumar S/o Akhilesh Singh Resident of Village- Udaini, P.S.-
Gopalpur, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Adv.

For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP

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

ORAL ORDER

2 20-06-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Kishanganj PS Case No. 363 of 2024 instituted for the offences
under Sections 8, 20(b)(ii)(c) of the NDPS Act.

3. Prosecution allegation, in short, is that on a tip off
regarding huge quantity of contraband being carried towards
Kishanganj, a raid was conducted by the police party and at
08:00 PM, one bolero was intercepted and on search there is
recovery of 222.725 Kg ganja kept in 23 packets. Petitioner was
arrested from the vehicle, in question.

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 15-09-2024 and has one criminal antecedent. Learned counsel for the petitioner submits that the petitioner is the driver of the seized vehicle and was not aware of the contraband substance being kept in the same. Nothing has been recovered from the conscious/physical possession of the petitioner. There is no allegation of tampering of witnesses alleged against the petitioner. Learned counsel further submits that petitioner is not the owner of the vehicle, in question. Learned counsel goes on to submit that prosecution story is highly absurd, improbable and worthy of not any credence. Charge-sheet has been submitted in this case.

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. He further submits that prayer for bail of the co-accused persons has already been rejected by this Court vide order dated 15.02.2025 passed in Cr. Misc. No. 7048 of 2025.

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 with a direction to the court
below to expedite the trial.

(Rudra Prakash Mishra, J)

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