

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36308 of 2025

Arising Out of PS. Case No.-120 Year-2024 Thana- MATIYARIA District- West Champaran

Satan Mukhiya S/o Sri Gopal Mukhiya R/o Village- Hardi Belahwa, P.S.-
Matiyaria, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharad Kumar Verma, Advocate

For the Opposite Party/s : Mr. Anant Kumar 1, APP

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

ORAL ORDER

3 22-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Matiyari P.S. Case No. 120 of 2024 instituted for the offences
under Sections 20(b), 8(c), 23(c), 25, 29 of the NDPS Act and
Section 30(a) of the Bihar Prohibition and Excise Act.

3. Prosecution allegation, in short, is that total 6.042
kg of charas along with 12 litres of country-made liquor has
been recovered in this case.

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 20.10.2024 and
has got no criminal antecedent. There is no allegation of
tampering of witnesses alleged against the petitioner. Learned



counsel further submits that the recovery of the alleged contraband has been made from the *machaan* (bamboo-split) inside the thatched hut which is accessible to public at large. There is no compliance of Section 42 and 50 of the NDPS Act as also of Section 103 of the BNSS. The co-accused person has already been granted anticipatory bail by a coordinate Bench of this Court vide order dated 23.04.2025 passed in Cr. Misc. No. 21158 of 2025.

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.

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.

(Rudra Prakash Mishra, J)

Alok Verma/-

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