

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36826 of 2025

Arising Out of PS. Case No.-734 Year-2024 Thana- ARA NAWADA District- Bhojpur

Vijay Kumar S/O Lal Bahadur Singh R/O Village- Chakai, PS- Chakai, Distt-
Bhojpur(Ara).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Dimpal Kumari, Adv.
For the Opposite Party/s : Mr. Binod Kumar, APP

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

ORAL ORDER

2 18-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
N.D.P.S. Case No. 07 of 2025 arising out of Ara Nawada P.S.
Case No. 734 of 2024 instituted for the offences under Sections
20(b)(ii)(c), 22(c), 25, 29 of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered
161 Kg. of *Ganja* from the Mahindra Pickup vehicle which was
being driven by the petitioner.

4. Learned counsel for the petitioner submitted that the
petitioner is innocent and has falsely been implicated in the
present case. Petitioner is in custody since 05.10.2024 and has
no criminal antecedent. The petitioner is the driver of the



alleged Mahindra Pickup Van bearing Registration No. BR-02-GA-2974 but, was not aware of the alleged contraband being loaded on the same. The petitioner is not the owner of the vehicle bearing Regd. No. BR-02-GA-2974 from which the alleged Ganja has been recovered. The petitioner has no concern with the alleged seized contraband. He further submits that the co-accused Hare Ram Singh, Mukesh Kumar and Kamlesh Gupta have already been granted bail by the learned court below. No 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 and, 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 for bail of the petitioner is



rejected with a direction to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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