

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39667 of 2025

Arising Out of PS. Case No.-36 Year-2025 Thana- DUMARIAGHAT District- East
Champaran

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Hiraman Gaddi S/o Bhanu Gaddi R/O Village-Babuiya Parsauna, PS-
Palanwa, district- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.
For the Opposite Party/s : Mr. Choubey Jawahar, APP

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

ORAL ORDER

2 30-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in NDPS Case No. 29 of
2025, arising out of Dumariyaghat PS Case No. 36 of 2025.
instituted for the offences under Sections 8, 20(b)(ii)(c) & 25
of the N.D.P.S. Act.

3. Prosecution allegation, in short, is that there is
recovery of 62.790 Kg *ganja* from a car.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in
the present case merely on the basis of suspicion. The
petitioner is in custody since 15-02-2025 and has got no



criminal antecedent. Learned counsel for the petitioner submits that petitioner is the driver and had no knowledge of the alleged contraband being kept in the seized car. The petitioner is not the owner of the alleged car rather the same belongs to co-accused Kamlesh Sah. The petitioner has also no concern with the alleged recovered contraband. It is submitted that charge sheet is submitted in this case without F.S.L. report. There is no compliance of Sections 42 and 50 of the N.D.P.S. 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. He further submits that the prayer for bail of the co-accused Bijli Hajara has already been rejected by this Court vide order dated 17.06.2025 of Cr. Misc. No. 36347 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***.

8. The Trial Court is directed to expedite the trial and conclude the same expeditiously without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

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