

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39617 of 2025

Arising Out of PS. Case No.-783 Year-2024 Thana- DEHRI TOWN District- Rohtas

Anush Kumar S/o- Sri Ganga Ram R/V- Torari,P.S- Shiv Sagar, Distt-Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

**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 connection with Dehri
(Town) PS Case No. 783 of 2024 instituted for the offences
under Sections 8, 20(b)(ii)(c), 25 & 29 of the NDPS Act.

3. Prosecution allegation, in short, is that total 56.252
Kg ganja is allegedly recovered from the dicky of a bus.
Petitioner was arrested from the spot.

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 21-12-2024 and
has got no criminal antecedent. Charge-sheet has been
submitted in this case. There is no allegation of tampering of
witnesses alleged against the petitioner. From a perusal of the



F.I.R., it appears the petitioner boarded the bus at Raipur, not from Orissa, as confirmed by bus staff Krishna Ram, and there is no evidence that he loaded or transported the Ganja; rather, one Bindhyachal Singh and his associates, who were awaiting the bus at Sasaram, were connected to the contraband, and the petitioner has been implicated merely on suspicion without any recovery from his possession. Learned counsel further submits that there is no compliance of Section 103 of the BNSS, 2023. Learned counsel for the petitioner next submits that there is no compliance of Sections 42 and 50 of the NDPS 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.

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 is *rejected* with a direction to the court below to expedite the trial as expeditiously



as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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