

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38204 of 2025

Arising Out of PS. Case No.-25 Year-2025 Thana- FULKAHA District- Araria

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Raja Paswan S/o Fulchand Paswan resident of village -ward no.- 09 Chainpur
Nababganj, P.S.-Fulkaha, District- Araria (Bihar) Petitioner/s
Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Advocate
For the State : Mr. Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-08-2025 Heard Mr. Arjun Prasad, learned counsel for the

petitioner and Mr. Nawal Kishore Prasad, learned APP for the

State.

2. The petitioner is apprehending his arrest in connection with Fulkaha P.S. Case No. 25 of 2025, F.I.R. dated 06.02.2025 for the offences punishable under Sections 8, 20(b) (ii)(c) of the N.D.P.S Act, 1985.

3. Recovery is of 45 kg *Ganja* from a motorcycle.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. It appears from the FIR itself that the recovery has been made from the motorcycle in question. It is submitted that altogether 45 kg of



ganja has been recovered but the petitioner has no concern at all with the alleged recovery of *Ganja* (contraband) or motorcycle in question.

5. The learned Additional Public Prosecutor for the State, on the other hand, on the basis of materials available on record and case diary has vehemently opposed the prayer for bail of the petitioner and submits that altogether 45 kg *ganja* has been recovered and the petitioner escaped from the place of occurrence and FSL report also confirms that the recovered contraband is *Ganja*. He further submits that the recovered contraband is more than the commercial quantity so there is embargo under Section 37 of the NDPS Act to grant privilege of anticipatory bail to the petitioner.

6. Considering the aforesaid facts and circumstances, I am not inclined to grant the privilege of anticipatory bail to the petitioner in connection with Fulkaha P.S. Case No. 25 of 2025 pending in the court of learned Principal District and Sessions Judge, Araria.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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