

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44647 of 2025

Arising Out of PS. Case No.-204 Year-2024 Thana- LAKHAURA District- East Champaran

Bhola Rai S/o Langtu Rai R/v- Chhotka Pakahi, PS- Lakhaura, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Advocate Ms. Priyanka Singh, Advocate
For the Opposite Party/s	:	Mr. Bharat Bhushan, APP

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

ORAL ORDER

6 24-11-2025 Heard learned senior counsel for the petitioner,

learned APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Lakhaura P.S. Case No. 204 of 2024, instituted for the offences punishable under Sections 8, 20(b)(ii)(B), 20(b)(ii)(c), 8(c), 21(c), 23(c), 25 and 29 of the NDPS Act.

3. Prosecution allegation, in short, is that there is recovery of 990 gram ganja, 3.280 Kg charas and 840 gram smack in this case.

4. Learned senior counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the



conscious possession of the petitioner. Learned counsel for the petitioner further submits that the petitioner has got no concern with the alleged recovery of the recovered articles. The petitioner is in custody since 08.12.2024 and has got no criminal antecedent. 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. The petitioner does not deserve the privilege of bail.

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)

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