

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42816 of 2025

Arising Out of PS. Case No.-926 Year-2024 Thana- BHABHUA District- Kaimur (Bhabua)

Krishna Gupta Son of Late Nath Sah @ Late Natha Sah Resident of Village-
Bhabhua Ward no. 3, ps- Bhabhua, Dist- Kaimur (Bhabua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-08-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Bhabhua

P.S. Case No. 926 of 2024 registered for the offences under

Sections 8(c), 20(b) (ii) (c), 27(a) and 29 of the NDPS Act.

3. The petitioner is named in the F.I.R. and is in custody

since 23.11.2024.

4. As per the case of prosecution 82 kilograms of *ganja*

was recovered from the house of petitioner and from the car

parked in front of the house.

5. Learned counsel appearing on behalf of the

petitioner submitted that petitioner is a senior citizen and his co-

accused son was involved in illegal activities, which was not in his



knowledge. It is submitted that one of the co-accused Yashoda Devi has already granted bail by learned Co-ordinate Bench of this Court being sister, but as per instruction received she is not the sister of this petitioner and, therefore, this is a case of judicial parity. It is submitted that the activities were not in the knowledge of petitioner, therefore, it can be said safely that this is not a case of Section 35 of the NDPS Act as to import the rigorous provisions of Section 37 of the NDPS Act. While concluding the argument it is submitted that investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence. Petitioner claimed man of clean antecedent.

6. Learned APP appearing on behalf of the State, while opposing the prayer for bail submitted that during the raid some part of contraband was recovered from the car parked in front of the house, where as the major part was recovered from the house of the petitioner. It is pointed out that judicial parity is not applicable in the present case as learned Co-ordinate Bench observed that co-accused Yashoda Devi visited house of petitioner being sister and, therefore, the activities were prima-facie not in her knowledge. It is submitted that factual scenario of the present case is sufficient to suggest that petitioner was under culpable



mental state regarding possession of contraband of such huge quantity of ganja in view of Section 35 of the NDPS Act and, therefore, the rigors of Section 37 of the NDPS Act is applicable in the present case.

7. Considering the aforesaid factual submission and by taking note of fact as huge quantity of contraband was recovered from the house of this petitioner, where provisions of Section 37 of the NDPS Act puts a bar to grant bail, accordingly, the prayer for bail of the petitioner is rejected herewith for the present.

8. Considering the age and also custody period as petitioner remains in custody since 23.11.2024, learned Trial Court is directed to conclude the trial, preferably, within a period of 09 (nine) months from the date of receipt of this order by taking this matter on board, on day-to-day basis, if required. If trial is not concluded within aforesaid time period, petitioner may renew his prayer for bail, if so advised.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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