

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44817 of 2025

Arising Out of PS. Case No.-129 Year-2024 Thana- RAIL HAJIPUR District- Vaishali

Lakhindra Sahni Son of Jaglal Sahni Mohalla- Nakhas ward no 14 PS-
Hajipur Town Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Soni, Advocate

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

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

ORAL ORDER

2 22-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Hajipur
Rail P.S. Case No. 129 of 2024, instituted for the offences
punishable under Sections 8, 20(B)(ii), 20(c) and 22(c) of the
NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of total 90.857 Kg of Ganja from the possession of co-
accused persons including the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. Learned counsel for



the petitioner further submits that as per FIR only 14.800 Kg Ganja has been recovered from the possession of the petitioner and the same is below commercial quantity. The petitioner is in custody since 05.10.2024 and has got one criminal antecedent in which he is on bail. 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 and 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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