

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43320 of 2025

Arising Out of PS. Case No.-7 Year-2025 Thana- BACHHWARA District- Begusarai

Amresh Kumar @ Amresh Singh S/o Akshywat Singh R/o Village-
Nayagaon, Ward No. 02, P.S.- Nayagaon, Distt.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prabhat, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 16-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
N.D.P.S. Case No. 01 of 2025 arising out of Bachhwara P.S.
Case 07 of 2025 instituted for the offences under Sections
8/209b)(ii)(c) of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered
three bundles of Ganja weighing 45 Kg. (15 Kg. in each bundle)
from the dickey of vehicle bearing Regd. No. BR01HY4851.

4. Learned counsel for the petitioner submitted that the
petitioner is innocent and has falsely been implicated in the
present case merely on the basis of suspicion. Nothing
incriminating has been recovered from the conscious/physical
possession of the petitioner. He further submits that in the entire



investigation, not an iota of evidence has come showing the complicity of the petitioner in the alleged occurrence. The petitioner was only present in the vehicle, in question, and was not aware of the presence of the alleged contraband in the same. The petitioner is in custody since 07.01.2025 and has no criminal antecedent. Learned counsel for the Petitioner further laid much emphasis on the fact that the mandatory procedure as prescribed under Section 42 & 50 of the N.D.P.S. Act has not been followed in this case and, therefore, the Petitioner is entitled to the benefit available in the event such mandatory procedure of section 42 & 50 is not followed and, hence, the Petitioner should be enlarged on bail on any terms and conditions deemed fit and proper by this court. There is also non-compliance of Section 103 of the B.N.S.S.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. Learned APP further submits that the quantity of recovered contraband is above the threshold of commercial quantity and, hence, rigors of Section 37 of the N.D.P.S. is attracted in the present case.

6. Considering the submissions made by learned



counsels appearing for the both sides and on a careful examination of the materials on record, this Court is of the considered view that the learned counsel for the Petitioner has failed to make out a case for the release of the Petitioner on bail. Moreover, considering the quantity of contraband Ganja seized, i.e. total 45 Kg., which is more than the commercial quantity, it appears that the bar under Section 37 of the N.D.P.S. Act would be directly applicable to the facts of the present case. In such view of the matter, this Court is not inclined to release the Petitioner on bail at this juncture.

7. Accordingly, the prayer for bail of the petitioner is rejected with a direction to the learned court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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