

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45274 of 2025

Arising Out of PS. Case No.-174 Year-2023 Thana- BAKHTIYARPUR District- Patna

Bishun Kumar @ Bishnu Kumar S/o- Late Ram Babu Rai, R/o Village-
Champapur PS- Bakhtiyarpur District-Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Soni Kumari, Advocate.
		Mr. Yashpal Yadav, Advocate.
For the Opposite Party/s :		Mr. Surendra Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 08-08-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Bakhtiyarpur P.S. Case No.174 of 2023 for the offences
registered under Section 20(b)(ii)(c), 25, 29 of the N.D.P.S. Act.

3. Learned counsel for the petitioner submits that this
is the second bail petition filed on behalf of the petitioner.
Earlier, the prayer for bail of petitioner was rejected by this
Court vide order dated 21.06.2024 passed in Cr. Misc. No.81257
of 2023. He further submits that there is violation of Section
52(A) of the NDPS Act as the sample has not been taken in the
presence of Magistrate. Learned counsel submits that more than
one year has been passed since 21.06.2024 but the trial is not
concluded. Petitioner is in custody since 01.05.2023. He submits
that petitioner shall co-operate in the trial.



4. Learned A.P.P. appearing on behalf of the State vehemently opposes the prayer for grant of bail to the petitioner and submits that the regular bail of petitioner was earlier rejected on merit vide order dated 21.06.2024 and no fresh ground is made out for grant of bail to the petitioner. He further submits that the alleged recovery of 62 kg. of *ganja* comes under the commercial quantity under NDPS Act, therefore, the petitioner does not deserves the privilege of regular bail.

5. Having considered the facts and circumstances of the case as well as the allegation that a huge quantity of *ganja* was recovered from the room on the roof of the house of petitioner and also the facts that earlier the bail petition of the petitioner was rejected on merit and there is no fresh ground for entertaining the bail petition of the petitioner, this Court is not inclined to grant bail to the petitioner. Accordingly, the bail petition of the petitioner is dismissed.

6. The trial Court is directed to expedite the trial and conclude the same as soon as possible.

(Sunil Dutta Mishra, J)

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