

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45460 of 2025**

Arising Out of PS. Case No.-319 Year-2024 Thana- CHOUTARWA District- West
Champaran

Raju Yadav S/o- Ramnaresh Yadav Village- Daunaha Ps- Dhanha Dist- West
Champaran

... .. Petitioner/s
Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Milind Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Tapeswar Sharma, 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
Choutarwa P.S. Case No. 319 of 2024 instituted for the offences
under Sections 8(c), 20(b)(ii)(c) & 29 of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 204.133 Kg of Ganja from Truck No. UP53DT3026.
The petitioner Raju Yadav (driver) and co-driver Badal Yadav
were apprehended at the spot. The recovered Ganja was
concealed in hidden compartments of the truck’s cabin.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The petitioner is in custody since 06-12-2024 and has got no criminal antecedent. Charge-sheet has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. Learned counsel further submits that petitioner was driver of the vehicle in question and he was unaware about the contraband loaded in the vehicle. There is no compliance of Sections 42 & 50 of the NDPS 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.

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*.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and



unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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