

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45948 of 2025

Arising Out of PS. Case No.-205 Year-2024 Thana- BIRPUR District- Supaul

Rajesh Paswan @ Raju Paswan S/o Late Dinesh Paswan R/o vill -
Parmanandpur, P.s.- Birpur, Distt.- Supaul, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate Mr. Saroj Kumar Choudhary, Advocate Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s	:	Mr. Sunil Kumar Pandey, APP

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

ORAL ORDER

4 14-11-2025 Heard learned senior counsel for the petitioner,

learned APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Birpur
P.S. Case No. 205 of 2024, instituted for the offences punishable
under Sections 8, 20(b)(ii)(c) of the NDPS Act.

3. Prosecution allegation, in short, is that the police on
the basis of secret information conducted a raid at village
Permanandpur where co-accused Sumit Kumar was
apprehended while attempting to escape, and in his presence, 47
Kg of ganja was recovered from the house of the petitioner
Rajesh Paswan. It is further alleged that the co-accused has
admitted that the alleged contraband was concealed in the house



by him and disclosed that he had come to purchase ganja from the petitioner who is involved in its smuggling.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner was not present at the place of occurrence at the time of raid. The petitioner has got no concern with the other co-accused, namely, Sumit Kumar. The petitioner is in custody since 01.09.2024 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioner further submits that other co-accused has been granted regular bail by this Court vide order dated 22.09.2025 passed by Cr. Misc. No. 69105 of 2025.

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. On perusal of report sent by the learned Court below with regard to the present stage of trial it transpires that cognizance has been already been taken on 18.12.2024, charge has been framed against the petitioner on 06.03.2025 and the case is fixed for evidence.

7. Considering the aforesaid facts and circumstances, present stage 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.

8. The prayer is rejected.

(Rudra Prakash Mishra, J)

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