

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46217 of 2025

Arising Out of PS. Case No.-42 Year-2025 Thana- MOHAMMADPUR District- Gopalganj

Rajesh S/o Vijay Singh Resident of Village- S.A.S. Nagar Mohali, P.S- Phase
11 (Gyarah lane) District- Mohali (Panjab)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewanand Tiwari, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

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

ORAL ORDER

2 29-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Mohammadpur P.S. Case No. 42 of 2025, instituted for the offences punishable under Sections 20(b)(i)(c), 22(c), 23(c) and 29(i) of the NDPS Act.

3. Prosecution allegation, in short, is that there is recovery of 72.49 Kg of Ganja from the dickey of a car and the petitioner along with other co-accused persons were arrested on the spot.

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 also submits that the petitioner is neither owner



nor driver of the car in question rather he took lift in that car and he is 80% disabled. It is further submitted that the petitioner has got no concern with the alleged recovery of ganja. The petitioner is in custody since 06.03.2025 and has got no criminal antecedent. 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 the petitioner being party to the criminal conspiracy and the recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the N.D.P.S. Act. Hence, 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 and the petitioner being party to the criminal conspiracy, this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected. The Trial Court is directed to expedite the Trial.

(Rudra Prakash Mishra, J)

Rajorshi/-

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