

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45549 of 2025

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

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Kaushal Kumar Son of Bipin Choudhary R/o Village - Matihani, P.S.-
Matihani, Dist.- Begusarai, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

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

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

ORAL ORDER

2 23-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Bachhwara P.S. Case No. 7 of 2025 instituted for the offences
under Sections 8, 20(b)(ii)/(c) of the NDPS Act.

3. Prosecution allegation, in short, is that the three
bundles of ganja weighing 45 Kg. from the dickey of vehicle
bearing Registration No. BR-01-HY-4851.

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 07.01.2025 and
has got one criminal antecedent. There is no allegation of
tampering of witnesses alleged against the petitioner. Learned



counsel further submits the petitioner was only present in the vehicle in question and was not aware of the presence of the alleged contraband in the same. There is no compliance of Section 42 and 50 of the NDPS Act as also of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023.

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. Learned APP further submitted that prayer for grant of bail to a co-accused person has also been rejected by this Court vide order dated 16.07.2025 passed in Cr. Misc. No. 43320 of 2025.

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.

(Rudra Prakash Mishra, J)

Alok Verma/-

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