

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52673 of 2025

Arising Out of PS. Case No.-783 Year-2024 Thana- DEHRI TOWN District- Rohtas

Sonu Chaudhary @ Sonu Kumar S/o Rajesh Chaudhary R/o Village- Khanda,
P.S.- Sasaram (Muffasil), Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad, Advocate
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

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

ORAL ORDER

2 01-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Dehri
(Town) P.S. Case No. 783 of 2024, instituted for the offences
punishable under Sections 8, 20(B)(ii)(c), 25 and 29 of the
NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of total 56.252 Kg Ganja from a bus.

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 was not present at



the place of occurrence and no recovery of Ganja has been made from the possession of the petitioner. The alleged recovery has been made from a bus and the petitioner is neither owner nor driver of the bus in question. It is next submitted that name of the petitioner has transpired in this case on the basis of confessional statement of co-accused person and the same has got no evidentiary value. The petitioner is in custody since 20.12.2024 and has got two criminal antecedents in which he is on bail. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioner further submits that co-accused person has been granted regular bail by a Co-ordinate Bench of this Court vide order dated 15.07.2025 passed in Cr. Misc. No. 42743 of 2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and submits that the petitioner being party to the criminal conspiracy, as also the recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the N.D.P.S. Act and, therefore, 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.

(Rudra Prakash Mishra, J)

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