

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51982 of 2025

Arising Out of PS. Case No.-128 Year-2024 Thana- SONBERSA District- Sitamarhi

Radhey Ray @ Radhe Rai Son Of Late Mahesh Rai Village- Ward No 12,
Ramnagar Rasalpur, P.S.- Kanhouli, District -Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisu Zzoha, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

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

ORAL ORDER

2 25-07-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Sonbarsa P.S. Case No. 128 of 2024 instituted for the offences
under Section 414 of the Indian Penal Code, Sections 25(1-b)a,
26 & 35 of the Arms Act and Sections 8, 20(b)(ii)(c), 22(c) &
23(c) of the NDPS Act. Earlier vide order dated 02-12-2024,
passed in Cr. Misc. No. 80621 of 2024 regular bail of the
petitioner was rejected.

3. Prosecution allegation, in short, is that there is



recovery of one country made pistol along with a live cartridge, 1.900 Kg *Charas* and Two lakhs rupees during patrolling from the possession of the petitioner.

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 16-04-2024 and has got two criminal antecedents. Learned counsel for the petitioner submits that cognizance is taken by the court below and subsequently, charge is also framed in this case. There is no likelihood of the trial being concluded in the near future.

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 and there being no fresh ground to reconsider the matter, which is already decided by this Court on merit, 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 and shall take all sincere efforts for framing of the charge.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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