

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52363 of 2025

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

Mithun Kumar S/o- Ramswarath Mahto Village- Matihani W.No-6, Ps-
Matihani Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Madan Kumar, 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
Bachwara P.S. Case No. 07 of 2025, instituted for the offences
punishable under Sections 8, 20(b)(ii)/(c) of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of three bundles of Ganja weighing 45 Kg from the
dicky 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. No incriminating material has been recovered from
the conscious possession of the petitioner. Learned counsel for
the petitioner also submits that there is no allegation of



tampering of witnesses alleged against the petitioner. The petitioner was only present in the vehicle in question and was not aware of the presence of the alleged contraband in the same. The petitioner is in custody since 07.01.2025 and has got one 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 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, this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected.

(Rudra Prakash Mishra, J)

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