

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72378 of 2024

Arising Out of PS. Case No.-308 Year-2024 Thana- NAWADA District- Nawada

Raushan Kumar @ Raushan Singh S/o Shashi Bhushan Sharma @
Shashibhushan Singh R/o Village- Bela, Mahanandpur, P.S.- Nemdarganj,
District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adesh Raj Singh, Advocate

For the Opposite Party/s : Mrs. Renu Kumari, APP

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

ORAL ORDER

4 31-01-2025 Heard Mr. Adesh Raj Singh, learned counsel for
the petitioner and Mrs. Renu Kumari, learned APP for the State.

2. The petitioner seeks bail in connection with
Nawada town P.S. Case No. 308 of 2024, instituted for the
offences punishable under Sections 8/20(b)(ii)(c)/22/29 of the
NDPS Act.

3. The prosecution case, in short, is that, 61 Kg of
ganja has been recovered from cabin of the truck and during
course of investigation another seizure list was prepared, in
which 176 Kg *ganja* was recovered from the same truck.

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 further submits that Learned counsel for the petitioner also submits that the petitioner is not named in the FIR. Name of the petitioner has transpired in this case on the basis of confessional statement made by co-accused, namely, Subodh Paswan and the same has got no evidentiary value. The petitioner is not the driver, owner or helper of the said truck. The petitioner is in custody since 25.04.2024 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner and submitted 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, 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 expeditiously.

(Rudra Prakash Mishra, J)

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