

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59164 of 2025

Arising Out of PS. Case No.-75 Year-2025 Thana- GAUNAHA District- West Champaran

Reyaz Alam@Md. Reyaz Alam@Rayaz Alam S/o- Amamul Hasab @
Emamul Hasan Resident of Village- Rampurwa Parsa PS- Gaunaha Dist-
West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vatsal Verma, Advocate

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

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

ORAL ORDER

2 02-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Gaunaha P.S. Case No. 75 of 2025 instituted for the offences
under Sections 8, 20(b)(ii)(c), 23(c), 29 of the N.D.P.S. Act.

3. Prosecution allegation, in short, is that total 38.3
kilogram of ganja has been recovered in this case, out of which
20.43 kilogram ganja has been recovered from this petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case by the informant merely to satisfy their personal
vendetta. The petitioner is in custody since 19.05.2025 and has
got no criminal antecedent. There is no allegation of tampering



of witnesses alleged against the petitioner. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel further contended that petitioner was not even present at the place of occurrence. There is no compliance of Section 42 and 50 of the N.D.P.S. 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.

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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