

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60120 of 2025

Arising Out of PS. Case No.-186 Year-2025 Thana- MAJHAULIA District- West Champaran

Anil Sah @ Anil Prasad S/O Late Pashupatgi Sah @ Late Pashupati Prasad
R/O Vill.-Sitalpur, P.s.- Dighwara District- Saran, At Present R/O Tumariya
Tola Dankan Road, P.s.- Raxaul District- East Champaran. At Present
Damodarpur, P.S.- Pipra, Dist.- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

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

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

ORAL ORDER

2 03-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Majhauilya P.S. Case No. 186 of 2025, 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 16.840 Kg of Charas like substance from a bag. The petitioner was apprehended on spot.

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 is not the owner of the motorcycle in question rather he was only a pillion rider. It is further submitted that the petitioner has got no concern with the alleged recovery of the contraband. The petitioner is in custody since 30.03.2025 and has got no 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 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)

Rajorshi/-

U		T	
---	--	---	--

