

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70008 of 2025

Arising Out of PS. Case No.-139 Year-2024 Thana- SIKTA District- West Champaran

1. Afzal Miyan S/o Late Rahim Miyan R/o - Ward No. 06, Village - Pipra, P.S - Darpa, District - East Champaran, Bihar
2. Sarita Devi W/o Late Bhuwan Ram R/o Village - Diuriya Bichuha @ Diuriya Nichuta, P.S - Pokhariya, District - Parsa (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 08-10-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioners seek bail in connection with Sikta PS Case No. 139 of 2024 instituted for the offences under Sections 20(b)(II)(c), 23(c) & 29 of the NDPS Act.

3. On 14.11.2024, acting on secret information, police intercepted a motorcycle near Jaisinghpur, West Champaran, and recovered 10.2 kg of *charas* from the petitioners' possession.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. The petitioners are in custody since 15.11.2024



and have got no criminal antecedent. Charge-sheet has been submitted in this case without FSL report. There is no allegation of tampering of witnesses alleged against the petitioner. Learned counsel further submits that petitioners have no concern with the recovered contraband. There is no compliance of Sections 42 and 50 of the NPDS Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners. 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*.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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