

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69341 of 2024

Arising Out of PS. Case No.-171 Year-2021 Thana- BIRPUR District- Supaul

Mukesh Kumar @ Mukesh Paswan Son of Dinesh Paswan Resident of village
- Basmatiya, Ward no. 5, Ps- Basmatiya, Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narayan, Sr. Advocate Mr. Arvind Kumar, Advocate
For the Opposite Party/s	:	Mr. Arun Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

4 10-01-2025 Heard learned Senior counsel Mr. Rajendra Narayan
appearing for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Birpur P.S. Case No. 171 of 2021, registered for the offences
punishable under Sections 8/20(b)(ii)(c), of Narcotics Drugs &
Psychotropic Substance Act, 1985 (in short N.D.P.S. Act).

3. As per prosecution case, there is recovery of total 47
kg of contraband Ganja from the car. During the investigation, it
has been disclosed that petitioner had directed the driver of the
said vehicle to transport the contraband Ganja to Nepal.

4. Learned Senior counsel for the petitioner submits that
petitioner is innocent and on the basis of confessional statement of
co-accused the petitioner has been made accused in this case. The
petitioner is in custody since 29.05.2024. He further submits that



petitioner has no concern either with the driver or owner of the vehicle. There is no material against the petitioner. The petitioner is ready to co-operate in the trial. Petitioner has one criminal antecedent in which he is on bail. Chargesheet has already been submitted in this case.

5. Learned A.P.P. for the State opposes the prayer for regular bail of the petitioner on the grounds that there is enough material against the petitioner and the recovery is of commercial quantity. He has referred Section 37 (1) (b) of the N.D.P.S. Act and submits that the chargesheet has been filed against the petitioner and the petitioner is not entitled to bail at this stage.

6. Having heard the learned counsel for the parties and considering the facts and circumstances of the case and also considering the recovery of commercial quantity of *gaanja*, this Court is not inclined to enlarge the petitioner on regular bail. Accordingly, the prayer for regular bail of the petitioner is rejected.

(Sunil Dutta Mishra, J)

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