

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72962 of 2024

Arising Out of PS. Case No.-251 Year-2024 Thana- BARACHATTI District- Gaya

Hemraj Kumar @ Hemraj Kumar Son of Daso Singh Resident of Village-
Sankhua, P.S.- Barachatti, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

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

ORAL ORDER

2 27-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Barachatti P.S. Case No. 251 of 2024, instituted for the offences
punishable under Sections 18, 20 and 22 of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 267 Kg of *Doda* from tractor and 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 has got no concern



with the recovered *doda*. The petitioner is driver of the tractor and was apprehended from his house. Name of the petitioner has transpired in this case on the basis of disclosure made by local people. The petitioner is in custody since 17.05.2024 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioner further submits that co-accused has been granted regular bail by this Court vide order dated 13.11.2024 passed in Cr. Misc. No. 56577 of 2024.

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. It is further submitted that regular bail granted to co-accused by this Bench vide order dated 13.11.2024 passed in Cr. Misc. No. 56577 of 2024 in which recovery was below the commercial quantity which was made from a different place and for which separate seizure list was prepared.

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)

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