

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67677 of 2025

Arising Out of PS. Case No.-504 Year-2024 Thana- PAHARPUR District- East Champaran

Aurangjeb Khan son of Lal Babu Khan Resident Of Village- Maduaha, P.s-
Nautan, District -West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha, Adv.
For the Opposite Party/s : Mr.Raj Kishor Singh, APP

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

ORAL ORDER

2 17-09-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary called for in Cr. Misc.
No. 22105 of 2025.

2. The petitioner seeks bail in connection with Paharpur
P.S. Case No. 504 of 2024 (N.D.P.S. Special Case No. 59 of
2025) instituted for the offences under Section 111(3) of the
Bhartiya Nyaya Sanhita, 2023 and Sections 8, 20(b)(ii)(c), 23(c),
25 & 29 of the Narcotic Drugs and Psychotropic Substances Act.

3. As per prosecution case, the police, on receipt of
secret information, chased a truck bearing Regd. No. BR06GF-
7353 and, on search, total 43 bundles of *Ganja*, total weighing
361.2 Kg was recovered from the same. It is further alleged that
on the disclosures made by the driver of the said truck, the police



also chased a Scorpio bearing Regd. No. BR05PB-5419 and, on search, 02 bundles of Ganja, total weighing 16.08 Kg. was also recovered. Accordingly, two separate seizure lists were prepared. The petitioner who was driving the alleged truck was apprehended by the police at the spot. Four persons were also apprehended from the alleged Scorpio.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Charge-sheet has been submitted in this case merely on the basis of suspicion. Petitioner is in custody since 13.11.2024 and has no criminal antecedent. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner rather Ganja has been recovered from the constructive possession. Learned counsel for the petitioner submits that the petitioner is the driver of the alleged truck and has no concern with the alleged Scorpio. The petitioner was not aware of the alleged contraband being kept in the alleged truck. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioner further submits that the co-accused Ashok Sah and Ashok Gupta have already been granted bail by this Court vide orders both dated 05.08.2025 passed in Cr. Misc. No. 37112 of 2025 and 39179 of 2025 respectively.



5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the police has recovered total 361.2 Kg. Ganja from the alleged truck which was being driven by the present petitioner. He further submits that the recovered contraband is much more than the commercial quantity and, 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 with a direction to the learned court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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