

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68399 of 2025

Arising Out of PS. Case No.-31 Year-2021 Thana- BARHIYA District- Lakhisarai

Ashok Singh, aged about 70 years male, son of Ramnandan Singh, resident of village Lal Diyara, P.S. Pipariya, Dist. Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Adv.

For the Opposite Party/s : Mr. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 22-09-2025 Heard learned counsel for the petitioner and Mrs. Renu Kumari, learned APP for the State.

2. The petitioner has earlier moved before this Court with a prayer for anticipatory bail which was rejected by a Co-ordinate Bench of this Court vide order dated 10.11.2022 passed in Cr. Misc. No. 34213 of 2022.

3. The petitioner seeks bail in connection with Barahiya P.S. case No. 31 of 2021 giving rise to N.D.P.S. Case No. 12 of 2024 instituted for the offences under Sections 8, 20(b)(i)(c), 25, 29 of the N.D.P.S. Act.

4. As per prosecution case, total 1516.8 Kilograms of Ganja was recovered from the tractor of which the petitioner is a registered owner.



5. Learned counsel for the petitioner submitted that the petitioner is innocent and has falsely been implicated in the present case due to ulterior motive merely on the basis of suspicion. Petitioner is in custody since 24.04.2025 and has no criminal antecedent. The petitioner was not apprehended on the spot and has been made accused in this case only on the basis of his being the owner of the alleged tractor. Nothing incriminating has been recovered from the conscious possession of the petitioner. There is no compliance of Section 42 and 50 of the N.D.P.S. Act. There is also non-compliance of Section 103 of the B.N.S.S. Learned counsel for the petitioner further submits that the co-accused Gulshan Kumar @ Mausam Kumar has already been granted bail by a Co-ordinate Bench of this Court vide order dated 10.01.2023 passed in Cr. Misc. No. 65917 of 2024.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP submits that the recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the N.D.P.S. Act.

7. 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.

8. The prayer for bail is rejected.

(Rudra Prakash Mishra, J)

rishi/-

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

