

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70834 of 2025**

Arising Out of PS. Case No.-36 Year-2025 Thana- DUMARIAGHAT District- East  
Champaran

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Kamlesh Sah S/o Shambhu Sah R/o Village- Gad Gamhariya , Sugaha,  
Bhawanipur, P.S.- Kangali, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate  
For the Opposite Party/s : Mr. Anant Kumar 1, APP

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

ORAL ORDER

2      07-10-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with NDPS  
GR Case No. 29 of 2025 arising out of Dumariyaghat P.S. Case  
No. 36 of 2025 instituted for the offences under Sections 8/20(b)  
(ii)(c), 25 of the NDPS Act.

3. Prosecution allegation, in short, is that there is  
recovery of 62.790 kg ganja from a car.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and has falsely been implicated in the  
present case. The petitioner is in custody since 15.02.2025 and  
has got no criminal antecedent. There is no allegation of  
tampering of witnesses alleged against the petitioner. Learned



counsel further submits that petitioner is neither owner nor driver of the vehicle from which the alleged recovery has been made rather he was just a passenger of the said vehicle and was going to Gopalganj.

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. Learned APP further submitted that the prayer for grant of bail to a co-accused person has already been rejected by this Court vide order dated 30.06.2025 passed in Cr. Misc. No. 39667 of 2025.

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)**

Alok Verma/-

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