

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77922 of 2024

Arising Out of PS. Case No.-187 Year-2024 Thana- SAHEBPUR KAMAL District-
Begusarai

Daljeet Poddar S/O Mahendra Poddar R/O Village-Rajaura, P.S. Sahebpur
Kamal, Distt. -Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 79278 of 2024

Arising Out of PS. Case No.-187 Year-2024 Thana- SAHEBPUR KAMAL District-
Begusarai

Laxman Sahani S/O Chandradeo Sahani @ Chandradeb Sahani R/O- Sharwan
Nagar, Ward No.- 18, P.S.- Darjeeling, Siliguri, District - Darjeeling (W.B.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 77922 of 2024)
For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate
For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP
(In CRIMINAL MISCELLANEOUS No. 79278 of 2024)
For the Petitioner/s : Mr. Purnendu Keshav, Advocate
For the Opposite Party/s : Mr. N.N. Tiwari, APP

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

ORAL ORDER

3 16-01-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with
Sahebpur Kamal P.S. Case No. 187 of 2024, G.R. No. 31 of
2024 instituted for the offences under Sections 25(1-b)a, 26, 35



of the Arms Act and 30(a) of Bihar Prohibition and Excise Act as well as 20, 22 of the N.D.P.S. Act.

3. There is a recovery of 42.326 Kg of *ganja*, 65.880 litres of liquor, 14 live cartridges, one country-made pistol from the house of the co-accused Subhas Sahani and both the petitioners were arrested on the spot.

4. Learned counsel for the petitioners submitted that the petitioners are innocent and have falsely been implicated in the present case. Petitioner namely, Daljeet Poddar is in custody since 27.06.2024 whereas petitioner namely, Laxman Sahani is in custody since 26.06.2024. There is no allegation of tampering of witnesses alleged against the petitioner. No incriminating material has been recovered from the conscious possession of the petitioners rather the alleged recovery has been made from the house of co-accused Subhash Sahani. There is no compliance of Section 42 and 50 of the N.D.P.S. Act. Petitioner namely, Daljeet Poddar has one criminal antecedent whereas petitioner namely, Laxman Sahani has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners. 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. Learned APP further submitted that police, after investigation, submitted charge-sheet against the petitioner.

6. Considering the aforesaid facts and circumstances of the case, charge-sheet being submitted against the petitioner and the recovery of contraband being 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 petitioners.

7. The prayer of the petitioners is rejected.

(Rudra Prakash Mishra, J)

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