

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78795 of 2024

Arising Out of PS. Case No.-598 Year-2024 Thana- BHABHUA District- Kaimur (Bhabua)

1. Shiv Bachan Bind @ Shivbachan Bind S/o Babua Bind R/o Village- Sikra, P.S.- Sonhan, District- Kaimur at Bhabua
2. Guddu Kumar S/o Babua Bind R/o Village- Sikra, P.S.- Sonhan, District- Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 29-01-2025 Heard learned counsel for the petitioners and learned APP for the State. Perused the case diary.

2. The petitioners seek bail in connection with Bhabhua (Sonhan) P.S. Case No. 598 of 2024 instituted for the offence under Sections 8, 20(b)(ii)(c) of the NDPS Act.

3. Prosecution allegation, in short, is that there is recovery of 30.86 Kg ganja was recovered from fodder room of the house of the petitioners.

4. Learned counsel for the petitioner submits that the petitioners are innocent and have falsely been implicated in the present case. The petitioners are in custody since 30-07-2024 and has got no criminal antecedent. Charge-sheet has been



submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioners. Learned counsel further submits nothing has been recovered from the conscious possession of the petitioners. There is no compliance of Section 42 & 50 of the NDPS Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners. 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.

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 petitioners.

7. The prayer is *rejected*.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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