

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76907 of 2025

Arising Out of PS. Case No.-4 Year-2025 Thana- HATHIDAH RAIL P.S. District- Patna

Ashraf Alam S/o Late Rashid Mian Resident of Village- Rupahi Tar, Ward
No. 2, P.S.- Bhitaha, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

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

ORAL ORDER

2 17-11-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Special
Case (NDPS) No. 96 of 2025 arising out of GRP Hathidah P.S.
Case No. 4 of 2025 instituted for the offences under Sections 8,
20(b)(ii)(c) of the NDPS Act.

3. Prosecution allegation, in short, is that total 21.493
kilogram of *ganja* has been recovered in this case.

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 24.01.2025 and
has got no criminal antecedent. There is no allegation of
tampering of witnesses alleged against the petitioner. Learned
counsel further submits that as per FIR, 5.162 kilogram of ganja
was recovered from the pithu bag of the petitioner. On perusal



of the FIR it appears that apart from the recovery made from the pithu bag, 16.331 kilogram ganja was recovered from a trolley bag. Learned counsel further submitted that petitioner has no concern with the said trolley bag and recovery from the trolley bag is planted only to make the case grievous.

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.

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.

8. Learned Trial Court is directed to conclude the trial as expeditiously as possible without any undue delay and unnecessary adjournment.

(Rudra Prakash Mishra, J)

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