

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83483 of 2024

Arising Out of PS. Case No.-213 Year-2024 Thana- KOTWALI District- Munger

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Raja Kumar @ Rajhans Kumar S/o Late Gauri Shankar Yadav R/o Mohalla -
Ganga Nagar, ward no. 1, P.S. - Kotwali, Distt.- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Niranjan Parihar, Adv

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 08-09-2025 Heard the parties.

2. The petitioner seeks bail in connection with

Kotwali P.S. Case No. 213 of 2024 registered for the offence

under Sections 20 and 22 of NDPS Act.

3. The petitioner is named in the F.I.R. and is in

custody since 04.07.2024

4. The allegation against the petitioner is to have in

possession of 40.025 kg of Ganja/ contraband.

5. Learned counsel appearing on behalf of the

petitioner submitted that the room in issue was given on rent

to one Neeraj Kumar, son of Parmanand Yadav resident of

village Himapur Lagar P.O. Lagar, P.S. Parbatta district



Khagaria through agreement dated 02.06.2023 as executed between the said Neeraj Kumar and mother of this petitioner namely, Sobha Devi. It is pointed out that the activities of the tenant of mother of the petitioner was not in knowledge, and therefore, *prima-facie* it can be safely said that petitioner was not in knowledge regarding contraband and he was therefore not under culpable mental state regarding possession of contraband and therefore rigors of provisions available under Section 37 of NDPS Act not appears applicable in present case. While concluding the argument, it is submitted that petitioner is a student having bright carrier and is a man of clean antecedent, therefore, keeping this petitioner behind bar shall not serve any purpose of justice and moreover, investigation of this case is completed, as such, there is no chance of tampering with the evidence.

6. Learned APP while opposing the prayer of bail submitted that as per seizure list the alleged contraband/ Ganja of commercial quantity was recovered from the possession of this petitioner as seizure list was duly signed by him. It is pointed out that only to deviate allegation the



agreement as submitted aforesaid was created. It is further submitted by learned APP that upon forensic examination seized contraband was confirmed as Ganja and therefore, considering the quantity in view of Section 37 of NDPS Act petitioner does not deserves bail.

7. In view of aforesaid factual submission and by taking note of fact as *prima-facie* commercial quantity of Ganja of 40.025 kg was recovered from the possession of this petitioner, accordingly, prayer of bail of petitioner stands **rejected** for the present.

8. Considering the fact as petitioner remains in custody since 04.07.2024 the learned trial court is directed to conclude the trial preferably within one year from the date of receiving of this order.

(Chandra Shekhar Jha, J)

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