

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.83530 of 2024**

Arising Out of PS. Case No.-324 Year-2024 Thana- DESARI District- Vaishali

Anil Rai Son of Lal Babu Rai Resident of Village- Babhangawan Jahangirpur  
Sham, P.S. - Chandpura O.P. Chandpura, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with  
**CRIMINAL MISCELLANEOUS No. 85342 of 2024**

Arising Out of PS. Case No.-324 Year-2024 Thana- DESARI District- Vaishali

Anil Sharma @ Anil Kumar S/O Raj Balam Sharma R/O vill - Nawa Nagar,  
P.S- - Bidupur,Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**  
(In CRIMINAL MISCELLANEOUS No. 83530 of 2024)  
For the Petitioner/s : Mr.Rekha Prasad, Adv.  
For the Opposite Party/s : Mr.Parmanand Kumar, APP  
(In CRIMINAL MISCELLANEOUS No. 85342 of 2024)  
For the Petitioner/s : Mr.Niraj Kumar, Adv.  
For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

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

ORAL ORDER

3      30-01-2025                      Heard learned counsel for the petitioners and learned  
APP for the State in both the cases. Perused the case diary.

2. The petitioners seek bail in connection with Desari  
(Chandpura O.P.) P.S. Case No. 324 of 2024 instituted for the  
offences under Section 317(5) of the B.N.S. and Section 30(a)  
of the Bihar Prohibition and Excise (Amendment) Act, 2018.



3. As per prosecution case, the police has recovered total 6000 Kg. powdered hemp (bhang) from the truck bearing Regd. No. UP44BT7779.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners are neither driver nor owner of the alleged truck. The petitioners have also no concern with the recovered contraband. The petitioners have also no concern with the co-accused persons. The petitioner Anil Sharma @ Anil Kumar was arrested on spot whereas the petitioner Anil Rai succeeded in fleeing away from the place of occurrence. There is no compliance of Section 42 and 50 of the N.D.P.S. Act. There is also a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner Anil Rai has four criminal antecedents and in all of them, he is on bail. The petitioner Anil Sharma @ Anil Kumar has also two criminal antecedents in which he is on bail. The petitioners are languishing in judicial custody since 20.09.2024 without any rhymes or reason.



5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners, stating that that the 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 huge quantity 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. Accordingly, the prayer for bail of the petitioners, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

**(Rudra Prakash Mishra, J)**

rishi/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

