

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84002 of 2024

Arising Out of PS. Case No.-225 Year-2022 Thana- BATHNAHA District- Sitamarhi

Mohit Kumar, S/o- Maujelal Bhagat, Resident of village- Harpur Ward No. 04, P.S.- Saraiya, District.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 07-02-2025 Heard Mr. Birendra Kumar, learned counsel for the petitioner and Mr. Anil Kumar, learned APP for the State.

2. Petitioner seeks regular bail in connection with Bathnaha P.S. Case No. 225 of 2022, dated 19.08.2022 registered for the offences punishable under Sections 8/20(b)(ii) (C)/22(b) and 23 of the NDPS Act.

3. As per the prosecution story, acting upon a secret information received on 19.08.2022, the informant alongwith police force reached at NH-77 near Jamuna Barahi More near Durbasa School and searched the white colour sack of the petitioner and recovered 37.5 kg of narcotic material, *Ganja*. They also seized a mobile phone, a debit card, a total of Rs.



9,000/- and the motorcycle of the petitioner.

4. The main submissions advanced by learned counsel for the petitioner are that this is the second attempt of the petitioner to get the relief of regular bail and the main fresh grounds taken by the petitioner are his long incarceration period, as he has been languishing in jail since 20.08.2023. Secondly, the non compliance of the mandatory provisions of Sections 36A 42 and 50 of the NDPS Act which were earlier not mentioned by the petitioner when his first prayer was heard and considering the non-compliance of these provisions in different cases, learned co-ordinate Benches of this Court have granted relief of bail to several accused persons, of which reference has been given and in this regard, the orders passed in Cr. Misc. Nos. 21326 of 2021, 65898 of 2023 and 1682 of 2024 may be perused.

5. Learned APP appearing for the State has opposed the prayer for bail of the petitioner.

6. Heard both the sides and perused the relevant materials. As per the allegation, the petitioner was apprehended with 37.5 kg of narcotic material namely, *Ganja* and the same comes in the purview of commercial quantity though the petitioner has pointed out the non-compliance of the aforesaid



provisions of NDPS Act but as the trial of the petitioner is at an advance stage and as per the trial court’s report, out of six prosecution witnesses four have been examined, considering this aspect, this Court is not inclined to release the petitioner on bail at this stage, accordingly, his prayer stands rejected.

(Shailendra Singh, J)

maynaz/-

U		T	
---	--	---	--

