

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86244 of 2024

Arising Out of PS. Case No.-357 Year-2024 Thana- RAXAUL District- East Champaran

Sagar Kumar S/O Surendra Ram R/V Pusa Form ward No. 09, PS-Pusa
Samastipur, Dist.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.

For the Opposite Party/s : Mr. Choubey Jawahar, APP

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

ORAL ORDER

4 21-03-2025 Heard learned counsel for the petitioner and Mr.
Choubey Jawahar, learned APP for the State.

2. The petitioner seeks bail in connection with Raxaul
P.S. case No. 357 of 2024 (N.D.P.S. G.R. Case No. 85 of 2024)
instituted for the offences under Sections 20(b)(ii)(c), 22(c), 23,
25 and 29 of the N.D.P.S. Act.

3. As per prosecution case, the police, on receipt of
secret information, raided the house of the co-accused Rahul
Kumar. On seeing the police party, the accused persons tried to
flee away from there but, on chase, they were apprehended by
the police, On query, they disclosed their names as Rahul
Kumar, Sagar Kumar (the petitioner) and Rajan Tiwari. On
search, 03 packets weighing 01 Kg. 465 grams Charas, huge



quantity of intoxicant medicines, Indian currency notes and coins and Nepali notes were recovered from there which were kept in the southern room of the house.

4. Learned counsel for the petitioner submitted that the petitioner is innocent and has falsely been implicated in the present case merely on the basis of suspicion. Petitioner is in custody since 03.10.2024 and has no criminal antecedent. Learned counsel for the petitioner further submits that nothing incriminating has been recovered from the conscious/physical possession of the petitioner or from his house rather the alleged contraband has been recovered from the house of the co-accused Rahul Kumar. The petitioner has never indulged in such type of activities and the petitioner has been arrested by the police on mere suspicion. There is no compliance of Section 42 and 50 of the N.D.P.S. Act. There is no allegation of tampering of witnesses alleged against the petitioner. Charge-sheet has been submitted in this case.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner stating that the offence alleged is serious in nature. Learned A.P.P. submits that the police has recovered 01 Kg. 465 Grams Charas along with huge quantity of intoxicant medicines, Indian currency



notes and coins as also Nepali notes etc. from the house of the co-accused Rahul Kumar and the petitioner was found sitting there and was also arrested by the police. As the recovered contraband is above the commercial quantity, there is bar under Section 37 of the N.D.P.S. Act. The Investigating Officer, after completion of investigation, has submitted charge-sheet under Sections 20(B) 11(C)/22(C)/23/25/29 of the N.D.P.S. Act.

6. Pursuant to the direction of this Court, learned counsel for the State has filed detailed counter affidavit, giving full description of the seized contraband. In Para-7 of the counter affidavit, it has been stated that total 360 tables of Semplex Plus Capsules were recovered containing 18 gram of Tramadol which is above the small quantity but, below the commercial quantity. In Para 8, it has been stated that total 414 tables of Nitrazohm-10, Netzecare-10 and Nitravet-10 were recovered which contains total 4.14 gram of Nitrazepam and the same is lesser than the small quantity. In Para-9, it has been stated that 51 pieces of Onerex syrup of 100 ml each were recovered which contains total 10.2 gram of Codeine which is more than the small quantity but, less than the commercial quantity. Lastly, in Para-10, it has been stated that total 1 Kg. 465 Gm *Charas* was also recovered which is above the



commercial quantity.

7. Considering the aforesaid facts and circumstances of the case and taking into account the fact that apart from huge quantity of intoxicant medicines, Indian currency notes and coins and Nepali currency notes, the police has also recovered 01 Kilogram 465 grams of *Charas* which is much more than the commercial quantity coupled with embargo under Section 37 of the N.D.P.S. Act as also the petitioner being a member of the criminal conspiracy, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, the prayer for bail of the petitioner is rejected with a direction to the court below to conclude the trial expeditiously.

(Rudra Prakash Mishra, J)

rishi/-

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

