

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83312 of 2025

Arising Out of PS. Case No.-130 Year-2025 Thana- RAMGARHWA District- East
Champaran

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Asrafi Sah S/O Ramdeo Sah Resident of village - Bhatwaliya (Bharwaliya)
P.S- Ramgarhwa, Distt.- East champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Kumar, Advocate

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

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

ORAL ORDER

2 10-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Ramgarhwa P.S. Case No. 130 of 2025, instituted for the offences punishable under Sections 8, 18, 21(c), 22(c) and 29 of the NDPS Act.

3. Prosecution allegation, in short, is that there is recovery of 600 gram smack from the shop of petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case without FSL report. The learned Court below has already taken cognizance and has charge has been framed in this case. No incriminating material has been recovered from the conscious



possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner has got no concern with the alleged recovery of smack. The petitioner is in custody since 04.05.2025 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioner further submits that other co-accused has been granted regular bail by this Court vide order dated 23.09.2025 passed in Cr. Misc. No. 55721 of 2025.

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 and the petitioner does not deserve the privilege of bail.

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.

(Rudra Prakash Mishra, J)

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