

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3208 of 2025

Arising Out of PS. Case No.-303 Year-2024 Thana- RAXAUL District- East Champaran

Guddu Thakur S/O Janardhan Thakur @ Janardan Thakur Resident of village
- Gamhariya P.S.- Raxaul, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.

For the Opposite Party/s : Ms. Sharda Kumari, APP

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

ORAL ORDER

2 28-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
N.D.P.S. G.R. Case No. 70 of 2024 arising out of Raxaul P.S.
Case No. 303 of 2024 instituted for the offences under Sections
20(B)(ii)(c), 23(c) and 29 of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered 32
Kg 520 Gram *Charas* from the possession of the petitioner and
other co-accused.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case
due to high high handedness of the police. The petitioner is not



the owner of the alleged motorcycle bearing Regd. No. BR05AP-7604 rather the owner of the same is Farmulah Alam @ Farmulah Ansari, who managed to run away after leaving the said motorcycle. The petitioner has also no concern with the recovered contraband. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. There is also non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 28.08.2024 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 petitioner, stating that the recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the N.D.P.S.

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. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to



expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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