

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12806 of 2026

Arising Out of PS. Case No.-750 Year-2024 Thana- MAJHAULIA District- West Champaran

Tinku Gavala @ Tinku Gawala @ Tinku Kumar @ Tinku Yadav S/O- Ashok
Gwala @ Ashok Gavala @ Ashok Kumar @ Ashok Yadav R/v- Phata
Pokhara Ps- Rajganj Dist- Jalpaiguri

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate

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

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

ORAL ORDER

8 14-07-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Majhauriya PS Case No. 750 of 2024 instituted for the offences under Section 317(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 8, 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. Prosecution allegation, in short, is that during vehicle checking, police apprehended the petitioner along with another co-accused and on search, there is recovery of 1.038 Kg charas from the bag of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the



present case. The petitioner is in custody since 19.12.2024 and has got no criminal antecedent. Charge-sheet has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. Learned counsel further submits that petitioner has no concern with the recovered contraband. Learned counsel submits that nothing has been recovered from the conscious possession of the petitioner. It is next submitted that there is no compliance of Sections 42 and 50 of the NDPS Act.

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.

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*.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and



unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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