

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52551 of 2025

Arising Out of PS. Case No.-10 Year-2025 Thana- HARPUR District- East Champaran

Ritu Kumar @ Rituraj Kumar S/o Ramchandra Yadav R/o Village- Munshi
Bazzar, P.S.- Harsidhi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Balgovind Sharma, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

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

ORAL ORDER

4 16-01-2026 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Harpur
P.S. Case No. 10 of 2025, instituted for the offences punishable
under Sections 8, 20(b)(ii)(c), 23(c), 25 and 29 of the NDPS
Act.

3. Prosecution allegation, in short, is that there is
recovery of 28.30 Kg of Ganja from a Hyundai car and the
petitioner was arrested on spot.

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. No
incriminating material has been recovered from the conscious



possession of the petitioner. Learned counsel for the petitioner further submits that the petitioner has got no concern with the alleged recovery of Ganja. The petitioner is driver of that vehicle. The petitioner is in custody since 17.01.2025 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. 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. It is further submitted that regular bail of other co-accused has been rejected by this Court vide order dated 11.11.2025 passed in Cr. Misc. No. 75668 of 2025.

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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