

## Radheshyam Hajara vs The State Of Bihar on 17 February, 2025

IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.7545 of 2025  
Arising Out of PS. Case No.-651 Year-2024 Thana- SIKARPUR District- We  
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Radheshyam Hajara Son of Surendra Hajara R/O Village - Viswa, Ward No.-  
5, P.S.- Prahari Chowki, Viswa, District - Parsa (Nepal)

Versus

The State of Bihar

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA  
ORAL ORDER

2 17-02-2025

Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Shikarpur P.S. case No. 651 of 2024 instituted for the offences under Sections 8/20(b)(ii)(c) & Section 23(c) of the N.D.P.S. Act and Section 178 of the Bhartiya Nyaya Sanhita, 2023.

3. As per prosecution case, the police has recovered total 1.822 Kilogram Charas from the Swift Dzire vehicle bearing Regd. No. BR22AZ-7276. The police has also recovered counterfeit currency from the alleged vehicle.

4. Learned counsel for the petitioner submitted that the petitioner is innocent and has falsely been implicated in the present case. Petitioner is in custody since 17.09.2024 and has no criminal antecedent. He submits that the article seized from the car is of the co-accused Brajesh Prasad Kushwaha and the Patna High Court CR. MISC. No.7545 of 2025(2) dt.17-02-2025 alleged car, in question, belongs to Subhash Prasad Kushwaha. The petitioner has no concern either with the alleged vehicle or the seized contraband. The petitioner has also no concern with the alleged counterfeit currency. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. There is no allegation of tampering of witnesses alleged against the petitioner. There is no compliance of Section 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 APP submits that the 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.

(Rudra Prakash Mishra, J) rishi/-

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