

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.23056 of 2021**

Arising Out of PS. Case No.-169 Year-2020 Thana- MANJHAGARH District- Gopalganj

JAWED ALAM S/o Kaimul Sah @ Amul Husenu R/o village- Dewapur Sekh  
Purlic Tola, P.S.- Manjhagarh, District- Gopalganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Rajeev Ranjan, Adv.  
For the Opposite Party/s : Mr.Md. Arif, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      16-09-2021      Heard learned counsel for the petitioner and learned  
A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Manjhagarh P.S. Case No.169 of 2020 (Trial Case No.13 of 2020), registered for the offence punishable under Sections 399, 402, 414 of the Indian Penal Code and sections 25(1-b)a, 26, 35 of the Arms Act and Sections 08(C), 21(a) of the N.D.P.S. Act.

The prosecution case in short is that on secret information, three persons including the petitioner have been



apprehended from the mango orchard of village Sikmi and on search, from the possession of the petitioner, one country made loaded pistol in the left side of waist, 12 pouch of substance like Smack from the right pocket of trouser and a live cartridge from the left pocket of trouser have been recovered.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No offence in the manner as alleged has ever taken place. He has been falsely implicated in this case due to dirty local politics without any cogent evidence against him. No incriminating article has been recovered from the conscious physical possession of the petitioner. The police also failed to take sample as per the procedure laid down in the N.D.P.S. Act and so there is no chemical examination regarding the seized articles in the said pouch. Similarly situated co-accused namely Raju Sah has been granted bail by a co-ordinate Bench of this Court vide Cr. Misc. No.3137 of 2021. The petitioner has thirteen criminal antecedent and has been languishing in custody since 22.07.2020.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case, since the seized contraband has not been sent for chemical



examination and the similarly situated co-accused has been granted bail, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge 1<sup>st</sup> cum Special Judge, N.D.P.S., Gopalganj, in connection with Manjahgarh P.S. Case No.169 of 2020 (Trial Case No.13 of 2020).

**(Anjani Kumar Sharan, J)**

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