

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9331 of 2021

Arising Out of PS. Case No.-115 Year-2019 Thana- MAINATAND District- West Champaran

Shreekishun Sah @ Srikishun Sah Son Of Late Nadhuraj Sah @ Raghunath Sah Resident Of Village - Purainiya, Paschim Tola, P.S.- Mainatand, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 09-09-2021 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 Mainatand P.S. Case No. 115 of 2019 registered for the offence punishable under Sections 20(b), 22, 23, 24 of the N.D.P.S. Act.

As per the prosecution case, on secret information 1.8 Kg of 'Ganja', one 'Iron Taraju' with 10gm, 20gm, 50gm and 200gm 'Bat' and Rs. 30000/- money were recovered by the



informant from the house of the petitioner. One *Raja Sah* was arrested from the spot and after interrogation he disclosed the fact that recovered money was collected from selling of the '*Ganja*'.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. No incriminating article has been recovered from his conscious physical possession. He submits that the alleged recovery of contraband article i.e. 1.8 kg of '*Ganja*' is much lesser than the commercial quantity. He submits that the money recovered was collected by petitioner from selling of grains and vegetables. He further submits that similarly situated co-accused person Raja Sah has already been granted bail vide order dated 02.11.2020 passed in Cr. Misc. No. 27219 of 2020 by a Co-ordinate Bench of this Court. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent as has been mentioned in para 3 of this bail application and he is languishing in custody since 22.09.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, 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 court below where the case is pending/successor Court in connection with Mainatand P.S. Case No. 115 of 2019.

(Anjani Kumar Sharan, J)

GAURAV S./-

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