

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47588 of 2021**

Arising Out of PS. Case No.-129 Year-2021 Thana- MANJHAGARH District- Gopalganj

Bhardwaj Prasad @ Jagmohan S/O Sri Ram Prasad R/O Village-Dewapur
Babu Tola, P.S-Manjhagarh, District-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Srivastava, Adv.
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER**

8 28-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Manjhagarh P.S. Case No. 129 of 2021 lodged under Sections
399, 402, 412, 414 of the I.P.C. read with Sections 25(1-b)a, 26,
35 of Arms Act and Sections 20(b)(ii)(c), 25/29 of N.D.P.S. Act.

As per the prosecution case, there were 6 accused
persons named in the F.I.R. were arrested. Upon chase by the
police, when police was on patrolling, it has been mentioned in
the F.I.R. that upon search, motorcycle to which the present
petitioner is there alongwith other persons, 2 mobiles from his
pocket and 1 kg *Charas* from the said motorcycle were

recovered. With another motorcycle, 1 more kg *Charas* alongwith arms and live cartridges were also been recovered.

Learned counsel for the petitioner submits that the alleged motorcycle on which the petitioner was riding, only N.D.P.S. material has been recovered and arms has not been recovered from anyone of the persons who were sitting on the said motorcycle. Counsel submits that petitioner's antecedent is clean and he is in custody since 07.05.2021, charge sheet has already been filed in this case. Counsel submits that in a deep rooted conspiracy, petitioner's name has come in this case. He is completely innocent.

Learned counsel for the State opposes the prayer for bail and submits that the total recovery of N.D.P.S. material is 2 kg which is double than the commercial quantity.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner, as such, his bail petition is hereby rejected.

However, petitioner may renew his prayer for bail after 11 months from today.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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