

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18969 of 2023

Arising Out of PS. Case No.-96 Year-2021 Thana- SASARAM MUFFSIL District- Rohtas

1. Nagendra Pandey, S/O Lakshman Pandey Resident Of Village- Chhotka Mor, P.S.- Sasaram (M), District- Rohtas.
2. Ajit Kumar Pandey @ Ajit Pandey, S/O Late Narvadeshwar Pandey Resident Of Village- Chhotka Mor, P.S.- Sasaram (M), District- Rohtas.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma- Sr. Advocate Mr. Amrendra Narayan Rai
For the State	:	Mr. Chandra Bhushan Prasad- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 03-05-2023 Heard learned senior counsel for the petitioners and learned APP for the State.

The learned senior counsel for the petitioner submits that this is the second attempt of the petitioners to seek bail as earlier their bail application were rejected by order dated 05.05.2022 in Cr. Misc. No.68031 of 2021.

The learned senior counsel next submits that petitioners are in custody since 03.03.2021 and the alleged recovery is from a vehicle and not from personal possession of the petitioners. It is next submitted that no doubt, the recovery is of commercial quantity of ganja, but then, the recovery is of 24 kilograms whereas commercial quantity of Ganja is 20 kilograms. It is thus submitted that the recovery is just a little over commercial quantity. It is also submitted that charges have been framed and the owner of the vehicle from which the Ganja was recovered has



already been granted bail by this Court.

The learned Additional P. P. submits that the case of the petitioners are on a different footing from the owner of the vehicle, for the reason that the owner of the vehicle was not arrested from the spot when the petitioners were arrested while fleeing from the vehicle which differentiate the case of the petitioners from the owner of the vehicle.

Considering the submission made by the learned Additional P. P., the Court, for the present, is not inclined to release the petitioners on bail.

Accordingly, their prayer for bail stand rejected.

However, the petitioners would be at liberty to renew their prayer for bail in the event, if the trial is not concluded within a period of nine months from the date of receipt/production of a copy of this order, the petitioners would be at liberty to renew their prayer for bail, as it has been submitted by the learned senior counsel for the petitioners that charges have been framed against the petitioners.

(Satyavrat Verma, J)

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