

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42884 of 2023**

Arising Out of PS. Case No.-448 Year-2022 Thana- GOPALPUR District- Bhagalpur

1. Neeraj Raj S/O Jagrup Mandal R/O Village- Aabiya Gachi Tola, P.S- Gopalpur, Distt.- Bhagalpur.
2. Bijay Kumar @ Vijay Kumar S/O Late Vinod Sahni R/O Village- Rakshol, P.S- Rakshol, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand, Adv.

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 14-07-2023 Let the defect(s), if any, be removed within two weeks from today.

2. Heard learned counsel for the petitioners and learned A.P.P. for the State.

3. The petitioners seek regular bail in connection with N.D.P.S. Case No. 103 of 2022 arising out of Gopalpur (Rangra) P.S. Case No. 448 of 2022 dated 05.09.2022, lodged under Sections 8/ 20(b)(ii)(B)/ 25 of the N.D.P.S. Act.

4. As per the prosecution case, the total recovery of 1.8 kg *Ganja* has been made from the motorcycle of the petitioners, which is the subject matter of the present case.

5. Learned counsel for the petitioners submit that the petitioners are subject to conspiracy. Counsel submits that

the antecedent of the petitioners are clean and they are in custody since 06.09.2022 in which charge-sheet has already been filed.

6. Learned counsel for the petitioners further submit that the quantity recovered is 1.8 kg (*Ganja*), which is greater than the smaller quantity *i.e.* 1000 gm but lesser than the commercial quantity.

7. Learned counsel for the State opposes the prayer for bail.

8. In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioners, therefore, their bail petition is hereby rejected.

9. However, liberty is hereby granted to the petitioners that they may renew their prayer for bail after framing of charge and the Trial Court is directed to release them on bail, imposing its own conditions, so that they may not evade their appearance during trial.

10. With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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