

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1741 of 2022

Arising Out of PS. Case No.-336 Year-2021 Thana- PHULWARIYA District- Gopalganj

JAFFAR EMAM S/O HASAN EMAM R/o village- Sawanahi Patti, P.S.-
Phulariya, District- Gopalganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Vyas Kumar Mishra, Adv.
For the Opposite Party/s	:	Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 06-01-2023 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 414 and 34 of the Indian Penal Code, sections 25(1-B)(a), 26 and 35 of the Arms Act and sections 20(b)(ii)(c), 25 and 27 of the NDPS Act.

As per the prosecution case, on search being conducted, from the possession of the two accused persons including the petitioner herein a knife, 500 grams each of *charas*, a pistol besides other articles as mentioned in the FIR was recovered.

It is submitted by learned Senior counsel for the petitioner that the petitioner has been falsely implicated in the case which would be evident from reading of the FIR itself



wherein the alleged recovery of the bag is from the coaccused Tunna Sah who has been enlarged on bail by the learned court below itself. The case of the petitioner would stand on a better if not on equal footing to that of coaccused Tunna Sah. The petitioner is in custody since 17.9.2021 and chargesheet has been submitted in the case.

A report was called for from the learned trial Court. As per the report contained in letter no.1050 dated 5.8.2022 of the District and Sessions Judge, Gopalganj, it transpires that letter no. 825-26 dated 4.4.2022 has been issued to the Superintendent of Police, Gopalganj for approval of the prosecution and on receipt of the approval of prosecution order that charge will be framed.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the nature of allegation together with the recovery of total quantity of 1 kg charas from the accused including the petitioner herein, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Let a copy of this order be communicated to the Superintendent of Police, Gopalganj for taking steps in the matter in view of the contents of the letter/report received from



the District and Sessions Judge, Gapalganj as mentioned
hereinabove.

(Partha Sarthy, J)

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