

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9501 of 2024

Arising Out of PS. Case No.-366 Year-2023 Thana- RAXAUL District- East Champaran

Sheikh Anwar @ Shekh Anwar, Son of Late Sheikh Tajmul @ Shekh Tezampur
R/o Village - Milan Chowk, Nawka Tola, P.S. - Milan Chowk, District - Parsa,
Nepal

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through the S.S.B. Mahadeva, Raxaul, P.S. - Raxaul,
Distt - East Champaran Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, Adv.
For the Opposite Party/s : Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Raxaul P.S. Case No. 366 of 2023, lodged on 03.08.2023 under
Sections 8/20(b)(ii)(C) of the N.D.P.S. Act.

3. As per the prosecution case, the FIR has been
lodged against the present petitioner. Total 1 Kg. of *charas* has
been recovered from the possession of the petitioner which is
the subject matter of the present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that the search has been made in gross violation of
section 100 of Cr.P.C. as there was no independent witness.



5. Learned counsel for the petitioner submits that the antecedent of the petitioner is clean and he is in custody since 03.08.2023.

6. Upon specific query of the Court from the counsel for petitioner that whether charge has been framed in this case or not, counsel submits that he is not aware that whether charge has been framed or not.

7. Learned APP for the State opposes the prayer for bail of the petitioner.

8. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner.

9. Accordingly, the prayer for regular bail of the petitioner in connection with Raxaul P.S. Case No. 366 of 2023, pending before the learned Sessions Judge/Special Judge, East Champaran, Motihari is **hereby rejected**.

10. Liberty is granted to the petitioner that he may renew his prayer for bail nine months after framing of charge.

11. Trial Court is directed to expedite the trial.

(Dr. Anshuman, J.)

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