

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13401 of 2024

Arising Out of PS. Case No.-218 Year-2023 Thana- LADANIA District- Madhubani

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Nageshwar Mukhiya, Male, aged about 59 years, Son of Chaturi Mukhiya,
Resident of Village - Kariyo Navtol @ Kariho Navtol, P.S. and District –
Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratnakar Jha, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

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**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 11-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with G.R.
No. 55 of 2023 arising out of Ladania PS Case No. 218 of 2023
instituted for the offences punishable under Sections 20/22 of
the N.D.P.S. Act.

3. As per the prosecution case, 5kg of ganja has been
recovered from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has
falsely been implicated in this case due to local village politics.



Petitioner has never dealt with ganja and no concern with the alleged recovery. Neither any incriminating articles nor any illicit ganja has been recovered from the possession of the petitioner. Seizure list was also prepared in presence of two independent witnesses. Petitioner is in custody since 07.08.2023.

5. Learned APP opposes the prayer for bail and submits that huge quantity of ganja has been recovered from the conscious possession of the petitioner.

6. From perusal of the FIR and the impugned order of the learned Sessions Judge, Madhubani dated 20.09.2023, it appears that allegation against this petitioner that from his possessions 5kg ganja has been recovered, which is far greater than small quantity.

7. In view of the recovery of commercial quantity of NDPS from the possession of the petitioner and the financial implication, I am not inclined to grant bail to the petitioner.

8. Prayer for regular bail of the petitioner is hereby rejected.

9. Learned trial Court is directed to conclude the trial preferably within a period of six months from the date of receipt of this order. If the trial is not concluded within the time limit,



then the petitioner shall be at liberty to renew his prayer for bail
before the trial Court.

(Ramesh Chand Malviya, J)

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