

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.15077 of 2024**

Arising Out of PS. Case No.-944 Year-2023 Thana- BODHGAYA District- Gaya

=====

Jitendra Saw Son of Ram Bilash Saw Resident of Village- Karma Dhav,  
Police Station- Bodhgaya, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr.Shailesh Kumar, Adv.

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

=====

**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA**  
**ORAL ORDER**

2      13-03-2024                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Bodhgaya  
PS Case No. 944 of 2023, dated 25.12.2023, instituted for the  
offence punishable under Sections 20 and 22 of the NDPS Act,  
1985.

3. As per allegation in the FIR, during course of vehicle  
checking, police officials arrested a person, who was riding on  
a scooty and recovered 600 grams of *Ganja*, kept in the dicky of  
the scooty.

4. Learned counsel for the petitioner submits that



petitioner is innocent and he has been falsely implicated in this case. It is further submitted that petitioner is the owner of the said scooty and has been made accused in this case. It is submitted that nothing has been recovered from the conscious possession of the petitioner rather from the dicky of the said scooty. He was not arrested from the spot. The other person had taken away his scooty and was plying the scooty. It is submitted that petitioner is a handicapped person. In this respect, he has annexed the Disability Certificate, issued from the Department of Empowerment of Persons with Disabilities, Ministry of Social Justice and Empowerment, Government of India, as Annexure- P-2 to the bail petition, wherein in Clause-B of the Certificate, it is stated that he has 95% (in figure) Ninety Five percent (in words) Permanent Disability in relation to his both leg as per the guidelines. It is next submitted having no criminal antecedent, petitioner is in custody since 25-12-2013. It is next highlighted that the quantity of Ganja recovered is less than the commercial quantity.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of



Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sessions Judge-cum Special Judge, NDPS Act, Gaya, in Bodhgaya PS Case No. 944 of 2023.

(Khatim Reza, J)

shyambihari/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

