

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15471 of 2024

Arising Out of PS. Case No.-241 Year-2023 Thana- KOCHADHAMAN District- Kishanganj

Jamir Hussain, Male, aged about 30 years, Son of Late Foddar Ali, Resident of Village-Singhia Chakandra, Ward No.5, P.S.-Kochadhaman, District-Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate
For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 12-03-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Kochadhaman PS Case No. 241 of 2023 instituted for the offences punishable under Section 414 of the Indian Penal Code and Sections 8, 8(c), 20(b) (ii) (B), 22 and 23 of the Narcotic Drugs and Psychotropic substance Act, 1985.

3. As per the prosecution case, it is a case of recovery of 1kg ganja 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 dirty village politics. He further submits that nothing has been recovered from the conscious possession of the petitioner. There is no any



independent witness of the seizure list. Petitioner is in custody since 11.10.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Sessions Judge-cum-Special Judge (NDPS) Act, Kishanganj dated 16.12.2023, it appears that 1kg of ganja has been recovered from the beneath of the seat of the motorcycle which the petitioner was riding. Petitioner has four criminal antecedent as stated in para-3 of the petition. Petitioner has also made an accused under the Arms Act, Excise Act, NDPS Act and Dacoity. In these circumstances, I am not inclined to grant bail to the petitioner.

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

8. Learned trial Court is directed to conclude the trial preferably within a period of six months from the date of receipt of a copy of this order and if the trial is not concluded within the stipulated period, the petitioner shall be at liberty to renew his prayer for bail before the trial Court.

(Ramesh Chand Malviya, J)

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