

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19586 of 2024

Arising Out of PS. Case No.-277 Year-2023 Thana- RAMGARHWA District- East
Champaran

Manoj Yadav S/o Chandrika Prasad Yadav @ Chandrika Yadav R/o vill -
Gahmariya, P.S. - Palanwa, Distt. - East Champaran, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajdeep, Advocate

For the Opposite Party/s : Mr. Dr. Mrityunjaya Kr. Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

4 20-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Naya Ramgarhwa P.S. Case No. 277 of 2023 instituted for the offences punishable under Sections 8, 20(B) (ii) (c) of the NDPS Act.

3. As per the prosecution case, there is recovery of total 3.782 Kg of Charas from the joint possession of petitioner and accused persons.

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. He further submits that petitioner has no concern with the seized motorcycle and the motorcycle has been driven by other co-accused person. It is further submitted that there is no any independent witness and the members of the raiding party who signed on the seizure list are an official witness. He next submits that neither proper sampling and certification of the alleged



contraband has been made nor there is any FSL report is on record to show that the seized articles is contraband or anything.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. On perusal of the case diary, F.I.R. and the impugned order dated 04.08.2023, it appears that allegation against this petitioner is specific that from his possession 1.416 kg has been recovered, which is commercial quantity and the police also seized two motorcycles from the possession of co-accused. The witnesses examined during course of investigation in the case diary corroborated the version in the FIR. Petitioner is in custody since 06.07.2023.

7. Considering the facts and circumstances of the case and keeping in view the nature of allegation and gravity of the offence, I am not inclined to grant bail to the petitioner.

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

9. However, the learned trial Court is directed to expedite the trial as early as possible.

(Ramesh Chand Malviya, J)

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