

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26953 of 2024**

Arising Out of PS. Case No.-409 Year-2023 Thana- UDAKISHUNGANJ District-  
Madhepura

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Shivnandan Saw @ Shunandan Saw @ Shivnandan Sah @ Shunandan Sah,  
aged about 58 years, Male, Son of Late Sattan Saw, Resident of village -  
Karauti, Tola Lauwa Lagan Basa, Ward No. 13, P.S. - Udakishunganj, District  
– Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

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

ORAL ORDER

2      18-04-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with  
N.D.P.S. Case No. 22 of 2024 arising out of Udakishuganj P.S.  
Case No.409 of 2023 instituted for the offences punishable  
under Sections 8, 20 (b) (ii) (B) of the N.D.P.S. Act.

3. As per the prosecution case, total 10.500 gms of  
*Ganja* (Contraband) has been recovered from the house 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. He further submits that the  
petitioner has not committed any offence rather the entire



allegations levelled against him are false and concocted. There is neither any recovery of any Narcotic drugs from the conscious possession nor from the house of the petitioner. Petitioner has got no criminal antecedent as stated in para 3 of the petition and is in custody since 26.12.2023.

5. Learned APP for the State strongly opposed the prayer of bail and submits that there is recovery of huge quantity of Ganja (contraband) from the premises of the petitioner, so he does not deserve bail.

6. From perusal of the FIR and the impugned order dated 22.02.2024 passed by the learned Sessions Judge, Madhepura, it appears that the petitioner is involved in supplying *Ganja* (Narcotic Drugs) at his house. The informant along with police officials proceeded to the place and the petitioner raided by the police and in that course a person attempted to flee but caught hold of him, who disclosed his name as Shivnandan Saw (petitioner). Thereafter, the premises of the petitioner searched and 10 kilograms and 500 grams of *Ganja* (contraband) recovered from the house of the petitioner by the police. From perusal of the records, it appears that the informant has fully supported the version of the written report and the witnesses-cum-member of raiding party were also



examined and seizure list witnesses have also supported the seizure and recovery. It is also stated that the petitioner was caught hold on the spot and huge quantity of *Ganja* were recovered from the house of the petitioner.

7. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, I am not inclined to grant bail to the petitioner.

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

9. However, the trial Court is directed to conclude the trial preferably within a period of one year from the date of receipt of this order and if not concluded the petitioner may renew his prayer for bail before the trial Court.

**(Ramesh Chand Malviya, J)**

Anand Kr.

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