

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25202 of 2024

Arising Out of PS. Case No.-1759 Year-2023 Thana- AHIYAPUR District- Muzaffarpur

Gajendra Sah son of Late Chhitnu Sah Village- Ganeshpur Jiyalal Chowk, Ps-
Ahiyapur Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

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

ORAL ORDER

2 09-04-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in a case registered
for the offence under Sections 8/21(b)/25 and 29 of the NDPS
Act.

3. As per the prosecution case, it is a case of
recovery of two grams smack from the possession of the
petitioner.

4. Learned counsel for the petitioner has
submitted that petitioner has falsely been implicated in this case
due to dirty village politics. He next submits that co-accused
Amar Paswan from his possession, five puriyas smak, weighing
2 grams was recovered, has been granted bail by learned



Sessions Judge-cum-Special Judge, Muzaffarpur on 20.02.2024. He next submits that nothing has been recovered from the possession of the petitioner and police took his signature on blank paper, made seizure list and the said three wheeler tempo not belongs to him as stated in para-7 of the petition. He next submits that after investigation, police submitted chargesheet and there is no chance of tampering of evidence and he is in custody since 27.12.2023.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the fact that co-accused has been granted bail by the learned Sessions Judge, Muzaffarpur, let the petitioner, above named, be directed to be released on bail *after framing of the charge* in connection with Ahiyapur P.S. Case No.1759 of 2023 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, Muzaffarpur.

7. The trial court is directed to conclude the proceeding of framing of charge according to law within a period of 15 (fifteen) days from the date of receipt of a copy of



this order. However, it is made clear that *if the charge-sheet has not been submitted* then the above named petitioner shall be released on bail on furnishing bail bond with further condition that the petitioner have to present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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