

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28022 of 2024

Arising Out of PS. Case No.-62 Year-2024 Thana- MANJHAGARH District- Gopalganj

Raju Sah, Male aged about 34 years, Son of Bilas Sah, Resident of Village-
Shri Rampur Kolhua, P.S.- Manjhagarh, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Irshad Ahmad Khan, Advocate
For the Opposite Party/s : Mr. Madan Kumar, APP

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

ORAL ORDER

2 23-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Manjhagarh P.S. Case No. 62 of 2024 instituted for the offences
punishable under Sections 21(a), 22(a) and 8 (C) of the N.D.P.S.
Act.

3. As per the prosecution case, on search, 52 puriyas
of Ganja total 110 gm has been recovered 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. It is submitted that there is
no recovery from the conscious possession of the petitioner. It is



further submitted that alleged Ganja has been recovered from the shop of the petitioner and the shop is situated in open premises. Petitioner has got no criminal antecedent as stated in para 3 of the petition and is in custody since 28.02.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Sessions Judge, Gopalganj dated 13.03.2024, it appears that the seized articles have been recovered from the shop of the petitioner and the shop is situated in open place. There is no any independent witness of the seizure list and the Ganja recovered is small quantity which does not come under commercial quantity, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail ***after framing of charge*** on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District and Sessions Judge, Gopalganj in connection with Manjhagarh P.S. Case No. 62 of 2024.

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 petitioner shall be released on bail on above conditions and he shall be present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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