

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32782 of 2024

Arising Out of PS. Case No.-363 Year-2023 Thana- KISHANGANJ District- Kishanganj

Dharmendra Kumar Son of Shivji Prasad @ Shivji Prasad Gupta Resident of Village- Muradpur Gulla, Dulla, Ambedkar Nagar, P.S.- Ahiyapur, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar S.K, Adv.

For the Opposite Party/s : **Mr. Arun Kumar Singh, APP**

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

ORAL ORDER

2 20-05-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with Special Case No. 1 of 2024 arising out of Kishanganj P.S. Case No.363 of 2023 registered for the offence under Sections 341, 323, 307, 353, 427, 385, 504, 506/34 of the Indian Penal Code and Sections 8/20(b)(ii)(A) of the NDPS Act.

3. Allegation against the petitioner along with other co-accused persons is to have in possession of narcotics and Ganja.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner has falsely been implicated in the present case. It is submitted that alleged



recovery of narcotics and Ganja was not made from the conscious physical possession of this petitioner. It is also submitted that specific allegation as regard to possession of alleged narcotics and Ganja is not against this petitioner. It is next submitted that one of the co-accused has been granted bail by the Co-ordinate Bench of this Court *vide* Order dated 20.05.2024 passed in Cr. Misc. No. 32782 of 2024. It is further submitted that petitioner is in custody since 18.10.2023.

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

6. Considering the facts and circumstances and submissions made on behalf of the petitioner, let the petitioner, above named, is directed to be released on bail, *after framing of the charge*, in connection with Special Case No. 1 of 2024 arising out of Kishanganj P.S. Case No.363 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 (NDPS Act), Kishanganj.

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)

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