

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61699 of 2023

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

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Sheikh Amrullah, aged about 35 years, Male Son of Karim Sheikh @ Sheikh Karim, Resident of Village - Tilokwa, P.S. - Shikarpur, District - West Champanan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

6 26-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

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

3. As per the prosecution case, there is recovery of total 3.782 Kg of *Charas* from the 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 and petitioner is the pillion rider. It is further submitted that there is no any independent witness and the members of raiding party who signed on the seizure list are an official witnesses. 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 opposes the prayer for bail.

6. From perusal of the case diary, FIR, seizure list and the impugned order of the learned Sessions Judge/Special Judge, East Champaran, Motihari dated 04.08.2023, it appears that allegation against this petitioner is specific that from his possession 2.366 Kg of *Charas* 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.

(Ramesh Chand Malviya, J)

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