

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83810 of 2023

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

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Suresh Prasad Kushwaha, Male, Aged about 40 years, Son of Kukhadi Mahato, Resident of Village- Kathiya Mathiya, P.S. Kangali, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Pandey, Advocate

For the Opposite Party/s : Mr.Raj Kishor Singh, APP

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

ORAL ORDER

4 17-05-2024 Learned learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Ramgarhwa P.S. 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. He has falsely been implicated in this case. Nothing incriminating article has been recovered from his conscious possession. Both



the seizure list witnesses are police personnel which is complete violation of Section 100 of Cr.P.C. Petitioner has got no criminal antecedent and he is languishing in judicial custody since 06.07.2023.

5. Learned APP for the State has vehemently opposed the prayer for bail and submitted that prayer of one of the co-accused namely, Sheikh Amrullah for grant of bail has already been rejected by this Court vide order dated 26.02.2024 passed in Cr. Misc. No. 61699 of 2023.

6. From perusal of the FIR, seizure list, case diary, F.S.L. report and the impugned order of the learned Sessions Judge/Special Judge, East Champaran, Motihari dated 08.09.2023, it appears that on the basis of self statement of S.I. Indrajeet Paswan F.I.R. registered against three accused persons including the present petitioner. Petitioner was apprehend on the spot along with other accused persons and he is the owner of one of seized motorcycle bearing registration No. BR22AV7940. Total 3.782 Kg of Charas has been recovered from the joint possession of the accused persons, which is commercial quantity. From perusal of the seizure list, it also appears that signatures of all the accused persons including the petitioner are available on the seizure list. During the course of



investigation, witnesses have also corroborated the version of the FIR.

7. Considering the facts and circumstances of the case and quantity of recovered charas and F.S.L. report, 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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