

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25488 of 2025

Arising Out of PS. Case No.-524 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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Manoj Kumar Sah S/O Yogendra Sah resident of Village -Simrolgadh P.S.-
Simrolgadh, District- Bara, Nepal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yerra Madhavi, Advocate
For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 3 16-05-2025 1. Heard learned counsel for the parties.
2. The petitioner has renewed his prayer for grant of regular bail in connection with Muffasil (Lakhaura) P.S Case no.524 of 2023 registered under sections 8 and 20(b)(ii)(c) of the NDPS Act.
3. As per the prosecution case, the informant states that on search 3.5 kgs of *charas* and 36.2 kgs of *ganja* was recovered from the two vehicles and two accused persons were taken into custody. From the third vehicle 8 kgs of *charas* was recovered and three accused persons including the petitioner herein was taken into custody.
4. Learned counsel for the petitioner submits that the



earlier application for bail of the petitioner was rejected vide order dated 7.3.2024 passed in Cr. Misc. no.76562 of 2023. No incriminating article has been recovered from the petitioner's possession. He has been falsely implicated in the case only for the reason that he had taken lift from the driver of the vehicle in question. He has no concern either with the seized article nor with the vehicle from which the alleged seizure is said to have taken place. The petitioner who has no criminal antecedent is in custody since 29.7.2023.

5. The prayer for bail is opposed by learned A.P.P for the State, who submits that the petitioner was arrested from the vehicle from which 8 kgs of *charas* was recovered and the FSL report with respect to the seized article confirms the article to be *charas*.

6. A report was called for from the learned trial Court. As per the report received contained in letter dated 8.5.2025 of the Exclusive Special Court no.-II under NDPS Act, East Champaran, two witnesses have been examined on behalf of the prosecution and five witnesses remain to be examined.

7. Having heard learned counsel for the parties and taking into consideration the recovery of 8 kgs of *charas* which is said to be commercial quantity together with the same having been confirmed in the FSL report and the trial having progressed



with the examination of two witnesses on behalf of the prosecution, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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