

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39435 of 2025

Arising Out of PS. Case No.-400 Year-2023 Thana- BANIAPUR District- Saran

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Dharmendra Sah S/o Late Angad Sah, R/o Village/Mohalla- Puchare, P.S.-
Baniapur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Mili Kumari, Adv.

For the Opposite Party/s : Mr. Narsingh Tanti, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 25-07-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Baniapur P.S. Case No. 400 of 2023
registered for the offences punishable under Sections 8, 20(b)(ii)
(c) of the N.D.P.S. Act corresponding to H.D. No.21/2024.

3. This is the second attempt made on behalf of the
petitioner, as earlier his prayer for bail had been turned down by
this Court in Cr. Misc. No.54127 of 2024 vide order dated
25.09.2024.

4. Learned Advocate for the petitioner has submitted
that since the prayer for bail of the petitioner was rejected on
merit(s); hence, he is not making any submission touching the
merit of the case, but this fact cannot be ignored that successive



two FIRs have been instituted against the petitioner showing recovery of 47.19 Kg. of *Ganja* and further 42.25 Kg. of *Ganja* from the same place, which creates doubt over the prosecution case. He further contended that even the filed from where recovery has been made does not belong to the petitioner. Now the petitioner has been incarcerated since 29.01.2024 and there is bleak chance of conclusion of trial in near future.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that criminal antecedent of the petitioner as disclosed in para-3, clearly suggests that the petitioner is involved in identical nature of crime; all the more, the recovery is made from the field of the petitioner.

6. Having heard the learned Advocate for the parties and taking note of the material available on record showing recovery of huge quantity of *Ganja* as also the status report of the trial, which suggests that out of seven prosecution witnesses, three of them have already been examined and there is every likelihood of the conclusion of trial within a reasonable period of time, this Court is not acceded to the prayer of the petitioner for grant of bail. Accordingly, his prayer is rejected.

7. It is expected that the learned Trial Court shall take



all endeavours to conclude the trial as early as possible.

8. In case, trial is not concluded within a period of six months, the petitioner may renew his prayer for bail.

(Harish Kumar, J)

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