

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49292 of 2024

Arising Out of PS. Case No.-93 Year-2024 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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AVON NISHAD S/O RAMKUMAR @ RAM KUMAR NISHAD R/O
VILLAGE- MOHANPURWA, P.O- SAMBHARPUR, P.S- BITHUR,
DISTT.- KANPUR (UP).

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. UDAY KUMAR S/O BADRI PRASAD R/O VILLAGE AND P.O-
KOBNA, P.S- HUNTERGANJ, DISTT.- CHATRA (JHARKHAND).

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 53077 of 2024

Arising Out of PS. Case No.-93 Year-2024 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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Baljeet Yadav Son of Sudarshan Yadav R/o village - Dumrawa, P.S.- Adhaura,
District - Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
(In CRIMINAL MISCELLANEOUS No. 49292 of 2024)
For the Petitioner/s : Mr.Aakash Choudhary
For the Opposite Party/s : Mr.Bharat Bhushan
(In CRIMINAL MISCELLANEOUS No. 53077 of 2024)
For the Petitioner/s : Mr.Tribhuwan Narayan
For the Opposite Party/s : Mr.Shailendra Kumar

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

- 6 20-01-2025 Both the applications arise of the same case i.e.
- Bhagwanpur P.S. Case No. 93 of 2024 and accordingly, both
- applications are being disposed of by this common order.
2. The petitioners seek bail in Bhagwanpur P.S. Case



No. 93 of 2024 registered for the offence punishable under Sections-302, 120(B)/34 of the Indian Penal Code and 27 of the Arms Act.

3. Prosecution case in short is that on the tip off, the police conducted a raid and intercepted the petitioner (in Cr. Misc. No.53077 of 2024) and recovered 94.553 kg. Ganja from his car and Viva Android Mobile, who disclosed the name of other accused persons and thereafter, the police conducted the raid of another place and apprehended petitioner Nos. 2, 3, 4 & 5 and recovered Ganja as well as other articles.

4. Learned counsel appearing for the petitioner Avon Nishad (in Cr. Misc. No. 49292 of 2024) submits that he is a person of clean antecedent and is under custody for a period of more than eight months. As a matter of fact , he is a labourer and he was a daily wager working with the main accused, Baljeet Yadav. It has further been submitted that the petitioner's criminal antecedent was also called for from Bithur Police Station, Kanpur (Uttar Pradesh) and from perusal of Annexure-R-3/1 annexed with counter affidavit filed on behalf of the State, it appears that no case is pending against the petitioner Avon Nishad.

5. It has been submitted on behalf of the petitioner (in



Cr. Misc. No. 53077 of 2024) that he is driver of the vehicle wherefrom, 94 kg. of Ganja was recovered. The petitioner has got no criminal antecedent.

6. Learned counsel for the State submits that the petitioners were arrested at the spot and in commercial quantity, Ganja was recovered. It has further been submitted that bail application of co-accused persons who were arrested on the same day, have been rejected vide Cr. Misc. No. 52744 of 2024.

7. Considering the above-mentioned facts and circumstances, I am not inclined to grant bail to the petitioners. Accordingly, prayer for bail of the petitioners is rejected.

(Nawneet Kumar Pandey, J)

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