

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56426 of 2024

Arising Out of PS. Case No.-100 Year-2023 Thana- PURUSHOTTAMPUR District- West
Champaran

=====

Mosaheb Hussain S/O Mustak Ahamad R/O Village- Parooraha, Ward No. 7,
Gobraura, P.S- Sathi, Distt.- West Champaran.

... .. 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. Dilip Kumar No. 1, APP

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

ORAL ORDER

2 18-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with
NDPS Case No.06 of 2024 arising out of Purushottampur P.S.
Case No. 100 of 2023 registered for the offence punishable
under Sections 20(b)(ii)B, 22, 23 and 24 of the NDPS Act in
which chargesheet has been submitted for the offences under
Sections 20(b)(ii)(B) and 23(b) of the NDPS Act.

3. As per prosecution case, total 4.5 kg. ganja has
been recovered from a motorcycle bearing registration
no.BR22-BE-1333 and the said motorcycle is the registered
owner of the petitioner.

4. Learned counsel for the petitioner has falsely been



implicated in this case and nothing has been recovered from the conscious possession of the petitioner. Petitioner has got clean antecedent as stated in para-3 of the petition.

5. Learned APP for the State vehemently opposed the instant bail petition. He has further submitted that the total recovered ganja is more than commercial quantity under the NDPS Act.

6. On perusal of FIR, seizure list and impugned order dated 01.07.2024, it appears that the seized ganja is recovered from a motorcycle of the petitioner as mentioned in para-74 of the case diary as stated in the impugned order, so this is not a fit case for grant of anticipatory bail to the petitioner.

7. Accordingly, the prayer for anticipatory bail of the above named petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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