

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85867 of 2024

Arising Out of PS. Case No.-294 Year-2024 Thana- MANJHAGARH District- Gopalganj

Dharmendra Sah S/O Late Sukhari Sah Village- Madhopur PS- Barhariya
District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajeet Bhushan, Adv.

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

3 14-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Manjhagarh P.S. Case No. 294 of 2024 instituted for the
offences under Sections 21(a), 22(a) and 8(c) of the N.D.P.S.
Act.

3. As per prosecution case, the police, has recovered
total 80.42 gram smack from the spot.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case
at the instance of the co-accused persons. He further submits
that nothing incriminating has been recovered from the
conscious possession of the petitioner or from his house. The
petitioner has been falsely implicated in this case on the basis of



the disclosures made by the co-accused persons. The petitioner has no concern with the arrested co-accused persons namely Kundan Baitha and Mansur Alam who have already been granted bail by this Court. There is no forensic report on the record which confirms the seized contraband to be smack. The quantity of contraband recovered is less than the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Section 42 and 50 of the N.D.P.S. Act. The petitioner has no concern with the seized contraband. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has one criminal antecedent in which he is on bail and is languishing in judicial custody since 08.10.2024 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Mansur Alam and Kundan Baitha have been granted bail by this Court vide orders dated 23.01.2025 and 06.02.2025 passed in Cr. Misc. No. 1344 of 2025 and 7572 of 2025 respectively.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties



and considering the entire facts and circumstances of the case, the period of custody of the petitioner and the petitioner, the quantity of the contraband being below the commercial quantity and the prayer for bail which is based on parity, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Manjhagarh P.S. Case No. 294 of 2024, subject to the following conditions;

- (i) One of the bailor(s) shall be the own/close family members of the petitioner.
- (ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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