

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No 7246 of 2021**

Arising Out of PS. Case No.-99 Year-2020 Thana- GAUNAHA District- West Champaran

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VINOD SAH SON OF LATE MADAN SAH RESIDENT OF VILLAGE -  
GAUNAHA, P.O. and P.S. - GAUNAHA, DISTRICT - WEST  
CHAMPARAN

... .. Petitioner/s

Versus

1. The State of Bihar
2. THE UNION OF INDIA THROUGH COMMANDANT, SSB CAMP  
NARKATIYA GANJ, DISTRICT - WEST CHAMPARAN

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr Akhileshwar Kumar Shrivastva, Advocate  
For the Opposite Party/s : Ms Asha Devi, APP

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**CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD**

**ORAL ORDER**

**3      15-07-2021**                      This case has been taken up today for consideration  
through Video Conferencing.

Heard learned counsel for the petitioner and the  
learned Additional Public Prosecutor (for brevity, *APP*) for the  
State.

The petitioner seeks bail in Gaunaha Police Station  
(for brevity, *PS*) Case No 99 of 2020 instituted for the offence  
punishable under Sections 8 and 20 (b) ii (B) of Narcotic Drugs  
and Psychotropic Substances (for brevity, *NDPS*) Act.

On secret information that there is some trade going  
on in respect of contraband substance, the police have  
proceeded near the Gaunaha Railway Station. Petitioner is



alleged to be fleeing away from the place on seeing the police party whereafter he has been arrested with 7 kilograms of *Ganja*.

Petitioner's counsel submits that the recovered amount is much less the commercial quantity. Petitioner has no criminal antecedent. The seizure list is at variance with the prosecution case stated in the First Information Report in respect of the place of recovery. Under such circumstances, it is obvious that it is a case of false implication and there is no compliance with Section 50 of the NDPS Act. Seizure list manifests that search was not in presence of a Gazetted Officer. The petitioner is stated to be in custody since 16.08.2020.

Learned APP has opposed the prayer for bail. It is submitted that witnesses have supported the recovery during course of investigation and that he had been supplied the contraband substance by one co-accused for dealing with the same.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sessions Judge, West Champaran at Bettiah in Gaunaha PS Case



No 99 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

**(Madhuresh Prasad, J)**

**M.E.H./-**

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