

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18515 of 2022

Arising Out of PS. Case No.-5 Year-2022 Thana- INARWA District- West Champaran

Awadh Patel, S/o Patiram Patel @ Patiram Raut, Resident of Village -
Bairiya, P.S.- Inarwa, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 25458 of 2022

Arising Out of PS. Case No.-5 Year-2022 Thana- INARWA District- West Champaran

Jitendra Paswan, S/o Late Jackson Paswan, Resident of Bairiya, P.S.- Inarwa,
District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 18515 of 2022)

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

(In CRIMINAL MISCELLANEOUS No. 25458 of 2022)

For the Petitioner/s : Mr.Ashok Kumar Gupta, Advocate

For the Opposite Party/s : Mr.Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-08-2022 Since both the applications arise out of Inarwa P.S.

Case No. 05 of 2022, as such, they have been heard together and

are being disposed of by this common order.

Heard learned counsel for the petitioners and learned

APP for the State.

Let the defect (s), as pointed out by the office, be



removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Inarwa P.S. Case No. 05 of 2022 registered for the alleged offences under Sections 20(b)(ii)(B)/23(B)/29 of the N.D.P.S Act and Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, police received secret information about petitioner bringing *ganja* from Nepal, the petitioners were apprehended and from the petitioner Awadh Patel, 1kg of ganja and from the petitioner Jitendra Paswan, 1kg ganja and 375 ml India made foreign liquor was recovered.

The learned counsels for the petitioners submit that the petitioners are innocent and falsely implicated in this case. It has been submitted on behalf of the petitioners that search and seizure has been made in flagrant violation of Sections 41, 42, 43 and 50 of the N.D.P.S. Act. From the FIR itself, it is obvious that the weight of the contraband *ganja* was taken along with its packing and if the weight comes down even for a few grams from 1kg the same will be below the small quantity and the punishment for the possession of the same would also come down. Charge-sheet has been submitted in this case and the petitioners



are in custody since 25.12.2021.

Learned APP opposes the prayer for bail submitting that from both the petitioners, 1kg ganja each and from the petitioner Jitendra Paswan, further recovery of 375 ml of India made foreign liquor have been made.

Having regard to the submissions made hereinabove and considering the quantity of contraband recovered from the petitioners and further considering the period of their custody along with the submission of charge-sheet in this case, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Bettiah, West Champaran, in connection with Inarwa P.S. Case No. 05 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of Awadh Patel will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be the close relative of the petitioners.



(iii) The petitioners will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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