

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 68204 of 2021

Arising Out of PS. Case No.-43 Year-2021 Thana- INARWA District- West Champaran

Neyaz Miyan Son of Ismohammad Miyan @ Ismahamd Miyan Resident of
Village - Inarwa, P.S.- Inarwa, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Biha

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 15-10-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of
four weeks from today.

The petitioner seeks bail in connection with Inarwa P.S.
Case No. 43 of 2021 registered for the offence under Sections 20(b),
(II)(b) and 23(b) of the N.D.P.S. Act

The accused/petitioner is named in the F.I.R. and is in
custody since 22.06.2021.

The allegation against the petitioner is to have in
possession of contraband i.e., ganja, total of 10 kg.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner has been implicated falsely and alleged
contraband i.e., ganja was not recovered from his conscious
possession. It is submitted that the compliance of Section 42 and 50



of the N.D.P.S. Act is not made in present case. It is also submitted that as admittedly, the recovered quantity of ganja is less than commercial quantity, therefore the provision of Section 37 of the N.D.P.S. Act is not appears applicable in present case. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovered contraband i.e., ganja is less than commercial quantity, where petitioner is man of clean antecedent coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Inarwa P.S. Case No. 43 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 3rd, Bettiah, West Champaran/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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