

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.45193 of 2024**

Arising Out of PS. Case No.-20 Year-2024 Thana- INARWA District- West Champaran

Sikandar Sah Kanu @ Sikand sah kanu S/o Late Manika Sah R/o vill -  
Jaimangalpur, P.S. - Pokhariya, Distt. - Parsa (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate  
For the Opposite Party/s : Md. Aslam Ansari, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

ORAL ORDER

2      03-07-2024      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in Inerwa P.S. Case No. 20  
of 2024, instituted for the offences under Sections 414 of the  
Indian Penal Code and Sections 8, 20(B),(ii)(b), 29 of the NDPS  
Act.

3. Prosecution allegation, in short, is that, there was  
recovery of 3 Kg Ganja from the motorcycle of the petitioner.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and has falsely been implicated in the  
present case. No incriminating material has been recovered from  
the conscious possession of the petitioner. Learned counsel for  
the petitioner further submits that the recovered ganja does not



belong to the petitioner. The petitioner is not the owner of the motorcycle in question, rather the motorcycle belongs to the petitioner's relation. The affidavit has been filed by the son-in-law of the petitioner. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 08.03.2024 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the recovered contraband being below the commercial quantity and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Inerwa P.S. Case No. 20 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date



fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

**(Rudra Prakash Mishra, J)**

Rajorshi/-

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