

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61717 of 2024

Arising Out of PS. Case No.-99 Year-2023 Thana- SIKTA District- West Champaran

Premi Sah Kanu @ Tharu Sah son of Ramdhari Sah Resident of Village-
Jhalmaliya P.S- BudhGard Dist- Parsa Nepal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 10-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case instituted
for the offence under Sections 8/20(b)(ii)(c) and 23(c) of the
N.D.P.S. Act in connection with Sikta P.S. Case No. 99 of 2023.

3. The members of S.S.B. apprehended the petitioner
when he was fleeing away after leaving his motorcycle and on
search of the motorcycle, there has been recovery of 9.5 Kg of
Charas like substance from its *tanki*.

4. It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has
committed no offence. He submitted that petitioner is not the
owner of the seized motorcycle. The provision of Section 50 of the
N.D.P.S. Act has not been followed in this case, while preparing



the seizure list. Petitioner is a person of clean antecedent and he is in custody since 04.09.2023.

5. Learned APP for the State has opposed the application for bail and submitted that petitioner is named in the FIR and he was apprehended on spot. He submitted that alleged contraband substance like *Charas* was recovered from a motorcycle which was being driven by petitioner. He further submitted that the recovered *Charas* like substance is much more than commercial quantity as per N.D.P.S. Act. During investigation several witnesses have also supported the prosecution case.

6. Having heard the learned counsel for the parties as well as the recovery of contraband substance is much more than commercial quantity, this Court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands **rejected**.

(Nawneet Kumar Pandey, J)

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