

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 64134 of 2024

Arising Out of PS. Case No.-78 Year-2024 Thana- KANHAULI District- Sitamarhi

Amresh Singh @ Amresh Kumar Singh Son of Kailash Singh Resident of
village- Kuari Madan, P.S.- Mejorganj, District- Sitamarahi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-09-2024

Heard the parties.

2. The petitioner seeks bail in connection with
Kanhauli P.S. Case No. 78 of 2024 registered for the
offence under Sections 414, 420, 467, 468, 489D of the
I.P.C. and 8/20(b)(ii)(B) of NDPS Act, 1985.

3. The petitioner is named in the F.I.R. and is
in custody since 17.06.2024.

4. The allegation against the petitioner is to
have in possession of 2 kg of *ganza* alongwith other
co-accused persons/family members.

5. Learned counsel appearing on behalf of the
petitioner submitted that petitioner has been falsely
implicated in present case as alleged recovery of *ganza*
i.e. total of 2 kg was made from the house of his



brother, namely, Kanhai Singh. It is further submitted that occasionally, on the date of recovery, petitioner visited home to meet his ailing father and unfortunately, implicated falsely with present case without having any incriminating materials. It is submitted that the compliance of Section 100(4) of Cr.P.C. not appears to be followed in present case regarding search of the premises. While travelling over the argument, it is submitted by learned counsel that as recovered contraband/*ganza* is less than commercial quantity, therefore, rigorous provisions as available under Section 34 of the NDPS Act not appears to be applicable in present case. While concluding the argument, it is submitted that petitioner is found involved in four criminal cases but are of different natures where he is on bail and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.



6. Learned APP opposes the prayer of bail.

7. In view of aforesaid facts and submissions as mentioned above and by taking note of fact as recovered contraband/ganza is less than commercial quantity where recovery not appears to be made from conscious physical possession of petitioner rather from jointly occupied house, coupled with fact that charge-sheet has already been submitted where petitioner is in custody since 17.06.2024, accordingly petitioner above named, is directed to be released on bail in connection with Kanhauli P.S. Case No. 78 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Sitamarhi/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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