

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.782 of 2025

Arising Out of PS. Case No.-177 Year-2024 Thana- DHANAHA District- West Champaran

Jitendra Sahni S/O Yogendra Sahni @ Yogendra Mallah Resident of village -
Tamkuhwa, P.S- Dhanaha, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharad Kumar Verma, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

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

ORAL ORDER

2 20-01-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2 The petitioner seeks bail in Dhanaha PS Case No.
177 of 2024 instituted for the offences under Sections 20(b)(ii)
(B) & 29 of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 19.200 Kg of ganja and one motorcycle from the
possession of the petitioner along with other co-accused person.

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 recovery is below



commercial quantity. 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 21-08-2024 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Other co-accused has been granted regular bail by this Court *vide* order dated 16-01-2025, passed in Cr. Misc. No. 89249 of 2024.

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, recovery below commercial quantity, claim based on parity 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 Dhanaha PS Case No. 177 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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