

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6360 of 2025

Arising Out of PS. Case No.-117 Year-2024 Thana- PURNAHYA District- Sheohar

Mohan Pandey S/O Ramprit Pandey R/O Village- Basant Jagjivan, Tole
Gadhva, P.S- Purnahiya, Dist.- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs.Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 14-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Purnahiya P.S. Case No. 117 of 2024 registered for the alleged offences under Sections 8(c), 20(b)(ii)(B) & 29 of N.D.P.S. Act.

3. As per prosecution case, on receiving information about co-accused son of the petitioner, namely Chandan Kumar Pandey indulging in drug peddling, a raid was conducted in the house of co-accused and two persons tried to flee away from the house and one of them was apprehended who is the present petitioner. The petitioner disclosed that his son Chandan Kumar Pandey fled away from the spot. Thereafter, the house of the petitioner was searched and from the old fridge kept in the



verandah of the house, 3.2 kg ganja like substance was recovered. The petitioner further disclosed that his son used to bring ganja from Nepal.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. From the FIR it is apparent that the initial allegation is against the son of this petitioner and petitioner has nothing to do with the recovered contraband. Moreover, recovery of ganja is of 3.2 kg only which is more than notified small quantity but much less than the commercial quantity. Learned counsel further submits that the provisions of NDPS Act regarding search and seizure under Sections 50 and 42 of the NDPS Act have not been complied. Learned counsel further submits that the petitioner is not involved in the business of selling ganja and ganja was not recovered from the conscious possession of this petitioner. The petitioner has got no criminal antecedent. The petitioner is in custody since 25.11.2024 and charge sheet has been submitted.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



quantity of recovered contraband and further considering the clean antecedent of the petitioner, period of custody and submission of charge sheet, the petitioner above named is directed to 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 learned Principal Sessions Judge, Sheohar/concerned Court in connection with Purnahiya P.S. Case No. 117 of 2024, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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