

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17891 of 2025

Arising Out of PS. Case No.-21 Year-2020 Thana- NIMCHAKBATHANI District- Gaya

1. Dilip Chauhan S/O Naresh Chauhan R/O Village - Ganpatnagar, P.S.-
Neemchak Bathani, District -Gaya.
2. Shankar Chauhan S/O Naresh Chauhan R/O Village - Ganpatnagar, P.S.-
Neemchak Bathani, District -Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Durgesh Nandan, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

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

ORAL ORDER

2 27-03-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with NDPS
P.S. Case No. 87 of 2024, arising out of Neemchak Bathani P.S.
Case No. 21 of 2020, instituted for the offences under Section
20(b)(ii) of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of total 6 Kg of *Ganja* has been recovered from the
house of the petitioners.

4. Learned counsel for the petitioners submits that the
petitioners are innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioners. Learned counsel for



the petitioners further submits that the petitioners have got no concern with the alleged recovery of *Ganja*. The petitioners were not present at the place of occurrence. 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 petitioners are in custody since 18.09.2024 and have got one 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 petitioners.

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 petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with NDPS P.S. Case No. 87 of 2024, arising out of Neemchak Bathani P.S. Case No. 21 of 2020.

(Rudra Prakash Mishra, J)

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