

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32356 of 2025

Arising Out of PS. Case No.-525 Year-2024 Thana- AKBARPUR District- Nawada

1. Pancho Chauhan @ Pachu Chauhan S/O Late Gowardhan Chauhan R/O Village- Laxmipur, P.S- Akbarpur, Distt.- Nawada.
2. Uday Chauhan S/O Late Suresh Chauhan R/O Village- Laxmipur, P.S- Akbarpur, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

.. .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Dr. Alok Kr. Alok, Advocate Mr.Man Mohan Kumar, Advocate
For the Opposite Party/s :		Mr.Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 20-05-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. A prayer for bail has been made on behalf of the petitioners in connection with Akbarpur P.S. Case No.525 of 2024 registered for the offence under Sections 8(b) and 20(a)(i) of the NDPS Act.

3. As per prosecution case, the informant states that a secret information having been received that some persons were cultivating *ganja* plant adjacent to their houses, a raid was conducted and 13 green plants of *ganja* weighting 22 kg and 8 green plants of *ganja* weighting 17 kg were recovered besides the house of petitioner no. 2 and petitioner no.1 respectively.

4. It is submitted by learned counsel for the petitioners



that the petitioners have been falsely implicated in the case. No recovery has been made from physical or conscious possession of the petitioners. The recovery has been made from an open place which is accessible to all and hence, no liability can be fixed upon the petitioners. Learned counsel for the petitioners further submits that no independent witness is there on the seizure list further indicating violation of mandatory provisions of the B.N.S.S. The petitioner no. 1 is in custody since 08.12.2024 and petitioner no. 2 is in custody since 14.01.2025. They have no criminal antecedent and undertake to co-operate in the case/trial. Charge-sheet has been submitted in the case and co-accused have been granted bail by a co-ordinate Bench of this Court vide orders dated 16.04.2025, 23.04.2025 passed in Cr. Misc. Nos. 18493 of 2025 and 19938 of 2025 (Annexure-P/2 Series) respectively.

5. The application for bail is opposed by learned APP for the State.

6. Taking into consideration the above mentioned facts of the case and also considering the fact that weight of recovered *ganja* from both the petitioners individually is below the commercial quantity, the petitioners are directed to be enlarged on bail in connection with Akbarpur P.S. Case No.525



of 2024 on each of them furnishing bail bond of Rs.25,000/-
(Rupees Twenty Five Thousand) with two sureties of the like
amount each to the satisfaction of the learned Principal District
& Sessions Judge, Nawada.

(Soni Shrivastava, J)

Harsh/-

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