

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37529 of 2025

Arising Out of PS. Case No.-374 Year-2024 Thana- BHELDI District- Saran

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Nawsad Alam @ Nausad Alam S/O Md. Mustafa R/O Village- Bheldi, P.S-
Bheldi, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. N.K. Agarwal, Sr. Advocate Mr.Pushpendra Kumar Singh, Advocate Ms. Divya Bharti, Advocate
For the Opposite Party/s :	Mr. Kumar Rajdeep, Advocate Mr.Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 01-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 21(b) (ii) (c) and 29 of the Narcotic Drugs and Psychotropic Substance Act.

3. The case of the prosecution is that, from a hut situated behind the house of the petitioner, altogether 55 K.G. ‘ganja’ like substance was recovered from beneath the ground.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in connection with the present case. It has been submitted by the



learned counsel for the petitioner is that the hut, in question, is not situated adjacent to the back of the house of the petitioner's house rather it is located at a considerable distance therefrom. It is further submitted that the land on which the said hut, is joint family land and does not fall within the share or possession of the petitioner, but is in fact under the share and possession of his 'gotias'. Moreover, the petitioner is languishing in judicial custody since 05.12.2024 having no criminal antecedent.

5. Learned APP appearing for the state has opposed the prayer of regular bail submitting that the commercial quantity has been recovered from the hut.

6. In any view of the matter, as per the FIR, the recovery has been made from a hut which is admittedly situated in an open place and the petitioner has specifically asserted that the land on which the said hut stands does not belong to him but to his 'gotias', this court is inclined to enlarge the petitioner on bail. In such circumstance, the above named petitioner is directed to be released on bail in connection with Bheldi P.S. Case No. 374 of 2024. on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Saran at Chapra.

7. Needless to say that while determining possession,



this Court has taken into consideration both animus and corpus.
Mere allegation of recovery of commercial quantity, in absence
of proof of conscious possession, will not by itself suffice to
establish possession.

(Ashok Kumar Pandey, J)

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