

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54194 of 2025

Arising Out of PS. Case No.-58 Year-2025 Thana- INARWA District- West Champaran

Akhilesh Kumar S/o Late Chhotelal Sahni R/o Vill- Ghogha Malahi Tola,
P.S.- Gopalpur, Distt- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

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

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL ORDER

4 28-11-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in a case registered for the offence punishable under Sections 20(b)(ii)(b) and 23(b) of the N.D.P.S. Act.

3. The allegation in the first information report is that during vehicle checking 5.010 kg of *Ganja* was recovered from a motorcycle which was being driven by the petitioner.

4. Learned counsel for the petitioner submits that although the petitioner was riding the motorcycle but he was not the registered owner of the said motorcycle and as a matter of fact, no recovery was made from his physical or conscious possession and this fact gains strength from the fact that the mandatory provisions of search and seizure were not complied with as there was no independent witness to the seizure list. In any view of the matter, the quantity of recovery of the contraband is a little over small quantity but much less



than the commercial quantity. The petitioner is in custody since 03.05.2025

5. Learned APP for the State opposed the grant of bail.

6. Taking into consideration the facts and circumstances and also considering the fact that the recovery of contraband is much less than the commercial quantity and the petitioner has remained in custody since 03.05.2025 and charge-sheet has been submitted, let the above named petitioner, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge NDPS, Bettiah, West Champaran/concerned Court below in connection with Inarwa P.S. Case No. 58 of 2025 subject to condition that:-

(i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(ii) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(Soni Shrivastava, J)

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