

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52353 of 2025

Arising Out of PS. Case No.-158 Year-2024 Thana- DHANAHA District- West Champaran

Sanjay Patel @ Sanjay Chaudhary S/o Late Asharfi Patel R/o vill - Kathar,
P.S.- Dhanaha, Distt. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharad Kumar Verma

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 15-11-2025 Heard the parties.

2. The petitioner seeks bail in connection with
Dhanaha P.S. Case No. 158 of 2024 registered for the
offence under Sections 8/ 20(b)(ii)(B) of NDPS Act

3. The petitioner is named in the F.I.R. and is in
custody since 26.05.2025.

4. As per FIR, accused petitioner found in
possession of 1.350 kg of *Ganja* which as per FIR alleged
to be recovered from his straw room.

5. Learned counsel appearing on behalf of the
petitioner submitted that the alleged recovery was made
from straw room which is an open place and accessible by



general public and therefore recovery of alleged contraband cannot be said from conscious physical possession of this petitioner. It is submitted that as recovery is less than commercial quantity therefore rigors of Sections 37 of NDPS not appears applicable in present case. While concluding the argument, it is submitted that petitioner found involved in five more criminal cases where he is on bail and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. In view of aforesaid factual submission and by taking note of fact that quantity of Ganja which is slightly more than smaller quantity, which *prima-facie* not appears to be recovered from the conscious physical possession of this petitioner, coupled with fact that investigation of this case already completed where petitioner remains in custody since 26.05.2025,



accordingly petitioner above named, is directed to be released on bail in connection with Dhanaha P.S. Case No. 158 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, NDPS Act, West Champaran at Bettiah /concerned court, subject to the conditions as mentioned under Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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