

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79569 of 2024

Arising Out of PS. Case No.-78 Year-2024 Thana- KANHAULI District- Sitamarhi

Vinod Sah, S/o Achche Lal Sah, Resident of Village-Kehuniya, P.S.-
Pokhariya, Dist- Parsa, Nepal Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Saurav Anand, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-01-2025 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with

Kanhauli P.S. Case No.78 of 2024 registered under Sections

414, 420, 467, 468, 489D of the Indian Penal Code and

Sections 8 and 20(b)(ii)(B) of the Narcotic Drugs and

Psychotropic Substances Act, 1985 (for short 'N.D.P.S. Act').

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

custody since 17.06.2024.

4. The allegation against the petitioner is to have in

possession of 2 kg of *ganja* along with other co-accused

persons/family members.

5. Learned counsel appearing on behalf of the

petitioner submitted that petitioner has been falsely implicated

with present case as alleged recovery of *ganja* i.e. total of 2 kg



was made from the house of co-accused namely, Kanhai Singh. It is further submitted that co-incidentally, on the date of recovery, petitioner visited house of co-accused Kanhai Singh and unfortunately implicated falsely with present case without having any incriminating materials. It is further submitted that the petitioner is not the owner of the house in issue from where the recovery of alleged contraband/*ganja* was made and he only out of village acquaintance was found sitting on verndah of the house, which belonged to the co-accused Kanhai Singh. It is submitted that the compliance of Section 100(4) of the Cr.P.C. not appears to be followed in present case regarding search of the premises. While travelling over the argument, it is submitted by learned counsel that as recovered contraband/*ganja* is less than commercial quantity, therefore, rigorous of provision as available under Section 37 of the N.D.P.S. Act, not appears to be applicable in present case. While concluding argument, it is submitted that the petitioner is a man of clean antecedent 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 facts and submissions as mentioned above and by taking note of fact as recovered contraband/*ganja* is less than commercial quantity, where recovery not appears to be made from conscious physical possession of this petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 17.06.2024, accordingly, the petitioner, above-named, is directed to 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 Special Judge-cum-Session Judge, Sitamarhi in connection with Kanahuli P.S. Case No.78 of 2024, subject to the conditions as laid down under Section 437(2) of the CrPC/Section 480(3) of the BNSS.

(Chandra Shekhar Jha, J.)

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