

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77227 of 2025

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

Tisi Chauhan @ Siya Chauhan @ Siyaram Chauhan S/o Late Sukar Chauhan
R/o Village- Lakshmipur, P.S.- Akbarpur, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shivendra Kumar Sinha, Adv. Mr. Ranjeet Patel, Adv. Mr. Divit Vinod, Adv.
For the Opposite Party/s :		Mr.Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR SINGH
ORAL ORDER

2 05-12-2025 By means of this bail application, the petitioner, who is involved in connection with Akbarpur P.S. Case No. 525 of 2024, District- Nawada, registered for the offences punishable under Sections 8(b), 20(a)(i) of the N.D.P.S. Act, 1985, seeks enlargement on bail during the pendency of trial.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor representing the State.

3. As per prosecution case, in brief, police received information that some villagers in village Laxmipur illegally cultivate and trade Ganja around their houses. On the said information raid was conducted at the said place and it was found that all the 11 accused persons including the petitioner have planted Ganja plants in front and behind their houses.



Thereafter on conducting search different numbers of green Ganja plants were found around the house of accused persons, which were cut off from root and weighed. So far as petitioner is concerned, it is alleged by the prosecution that total 10 green Ganja plant were found from the semi-constructed house of the petitioner, which after being cut from root, weighed and total weight including the stalk was found to be 20 kg.

4. The main substratum of argument of the learned counsel for the petitioner is that as per Section 2(viia) of the N.D.P.S. Act, “commercial quantity”, in relation to narcotic drugs and psychotropic substances, means any quantity greater than the quantity specified by the Central Government by notification in the Official Gazette. Since, in the present case, total weight of green Ganja plants including the stalk was found to be 20 kg., hence the said recovery shall be treated as below the commercial quantity. Learned counsel for the petitioner further submits that petitioner has no criminal history to his credit. Lastly, it is submitted that petitioner is languishing in jail since 31.07.2025 and, in case, he is released on bail, he will not misuse the liberty of bail and cooperate with the trial.

5. *Per contra*, learned Additional Public Prosecutor for the State opposed the prayer for bail of the petitioner



reiterating the prosecution case as mentioned in F.I.R. by contending that innocence of the petitioner cannot be ad-judged at pre-trial stage.

6. Having heard the submissions of learned counsel for the parties and considering the facts of the case that weight of green Ganja plants was taken including the stalk and in the light of Section 2(viia) of the N.D.P.S. Act, I find that the provisions of Section 37 of the N.D.P.S. are not attracted. Investigation has been completed and charge-sheet has also been submitted against the petitioner. Now there is no possibility of tampering the witnesses. Due to heavy docket of the cases, the possibility of conclusion of trial in near future is very bleak. There is no chance of the petitioner of fleeing away from the judicial process or tampering with the prosecution evidence. As on date, there is no material on record to presume that there is danger, of course, of justice being thwarted by grant of bail to the petitioner.

7. In view of the above, without entering into merit of the case, keeping in view the nature of the offence, evidence, severity of punishment, complicity of the petitioner, submissions of the learned counsel for the parties and reasons as noted above, this Court is of the opinion that the petitioner, who



is in incarceration since 31.07.2025, has made out a *prima facie* case for bail.

8. Accordingly, the bail application of the petitioner stands allowed.

9. Let the petitioner, above named, be released on bail in the aforesaid case on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the court concerned with the following conditions:-

(i) That the petitioner shall cooperate in the expeditious disposal of the trial and shall regularly attend the court unless inevitable.

(ii) That the petitioner shall not directly or indirectly involve in any criminal activity.

10. In case of breach of above conditions by the petitioner, it will be open for the prosecution to move bail cancellation application before the Court concerned.

11. It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected



by anything said in this order.

12. The trial Court shall make an endeavour to conclude the trial of the petitioner expeditiously without granting unnecessary adjournment to either of the parties.

(Sanjay Kumar Singh , J)

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